



Work Session

PLANNING COMMISSION AGENDA

Thursday, January 19, 2012

6:30 p.m.

Coon Rapids City Center

Council Chambers

Call to Order

Adopt Agenda

New Business

1. Strategic Planning Discussion with City Manager
2. Recodification of Title 11

Adjourn



Planning Commission Work Session

1.

Meeting Date: 01/19/2012

Subject: Strategic Planning Discussion with City Manager

Submitted For: Marc Nevinski, Community Development Director

From: Cindy Hintze, Administrative Specialist

INTRODUCTION

The City Council has directed staff to move forward with a community outreach effort designed to inform a long-term strategic plan for the community. As part of this effort, the City Manager is meeting with the City's advisory commissions to discuss their vision for Coon Rapids, as well as how members' volunteer experience on a commission could be improved. Attached you will find a memo from the City Manager, Matt Fulton, detailing the community outreach plan, as well as a list of questions and discussion points for you to consider. We will spend approximately one hour on this agenda.

ACTIONS

N/A

60 DAY RULE

N/A

LOCATION

N/A

DISCUSSION

N/A

RECOMMENDATION

N/A

Attachments

Discussion Points

To: Municipal Advisory Commissions

From: Matt Fulton, City Manager

Subject: Strategic Planning Discussion

Introduction

The City Council is initiating a long range strategic planning effort to assist the Council in guiding the community into the future. As part of this effort, The City Council would like to include input and comments from all of the municipal advisory commissions. As part of this discussion, the Council is also interested in learning how your volunteer experience as an advisory commission member could be improved.

Discussion

The City's 2030 plan was approved in 2005. There has been plenty of progress with the plan elements. However, without question, the world, economy, and community has changed since then and the City Council is interested in reviewing and updating its long term strategic plan. The Council recognizes the importance of engaging the public in this discussion and has developed a process for accomplishing this.

The Council's current strategic plan and short/long term workplans are aligned around seven areas:

- 1 Transportation
- 2 Community development and redevelopment
- 3 Housing/Neighborhoods
- 4 Civic Involvement
- 5 Community Diversity
- 6 Public Safety
- 7 Excellence in Government

The strategic planning process the City Council is initiating, will include several components, including discussions with all of the City's Municipal Advisory Commissions. The process will also include:

- 1 Discussions with community thought leaders on each strategic area.
- 2 Several community meetings in early 2012
- 3 2012 Community survey
- 4 Update of Long Range comprehensive Parks and Trails Plan
- 5 Council/Management team Retreat in March, 2012

The strategic planning process will start with the municipal advisory commissions discussions, scheduled to occur over the next several months.

I have requested this item be made part of your agenda and will plan on attending your meeting and facilitating this discussion. The questions I propose to ask include the following:

1. Within the area of responsibilities of your commission, what are the top three (3) recommendations you would provide the City Council as long term strategies to make the community better and stronger.
2. As you think about Coon Rapids overall, what top three (3) recommendations would you provide the City Council as important to the future of the community.
3. If you had \$100 to pay for the following public services, how would you allocate the money?
 - a. General government (admin., legal, finance, legislative, engineering, city clerk)
 - b. Public Safety
 - i. Police
 - ii. Fire
 - c. Community Development and Neighborhood Reinvestment
 - d. Public Works
 - i. Streets
 - ii. Parks, Trails, and Recreation
 - iii. Maintenance of buildings/vehicles
4. What are the greatest assets in the community? In other words, if we were to market Coon Rapids to the "outside world", what would we say about the community to lure people to invest and move to the community?
5. As a Municipal Advisory Commission member, you provide valuable input and insight on matters of importance in the community. In doing so, you volunteer your valuable time and energy. What ideas could you offer that would help ensure that your experience is worthwhile, valuable, and enjoyable?
6. From an administrative and logistics standpoint, are there suggestions you would make regarding how your agendas, communications, and meeting operations could be improved and made more efficient?
7. Any other thoughts?

I greatly appreciate your willingness to provide your constructive and honest opinions on the areas above. The comments will be summarized on a commission level and will not identify any specific comments from any one individual. That way, you will hopefully be more comfortable in offering your comments.



Planning Commission Work Session

2.

Meeting Date: 01/19/2012

Subject: Recodification of Title 11

From: Scott Harlicker, Planner

INTRODUCTION

Staff is continuing the process of restructuring Title 11 to make the code easier to read and follow.

ACTIONS

N/A

60 DAY RULE

N/A

LOCATION

N/A

DISCUSSION

Attached are the first drafts of Section 11-1200 General District Standards and Section 11-1400 Tower and Antenna Structures. Section 11-200 includes parking and loading, sign regulations, fences, screening, permitted encroachments, performance standards, satellite dish antennas and adult oriented businesses.

The major changes to the General District Standards, Chapter 11-1800 in the current code, include updating the off-street parking requirements. The existing list will be replaced with a table. Staff is currently researching new minimum parking requirements. A condition has been added that allows the curb and gutter requirement to be waived if an approved Low Impact Design stormwater management is utilized.

The standards that apply only to residential districts were moved to Chapter 600 Residential Districts, definitions were moved to Chapter 200 Definitions. The environmental and miscellaneous performance standards were combined in 11-1206 Performance Standards and the various allowed encroachments were combined in 11-1205. The section on satellite dish antennas, 11-1207, will be revised to comply with current federal regulations. The fence code, 11-1203, will be changed to include the recent amendment approved in November. The sign code was not changed; the screening requirements were not changed, and the adult business regulations were not changed.

Section 11-1400 Towers and Antenna Structures has been moved from its own section and incorporated into Title 11. Two significant changes are proposed. The review process for new towers in residential areas will include Planning Commission review and recommendation. The Commission will hold the public hearing and make a recommendation to the Council, which will approve or deny the application. The other change is having administrative review of all collocation applications. With the current code, the City Council reviews collocation applications in residential areas and applications outside residential areas are reviewed administratively. Staff is proposing that all collocation applications be reviewed administratively.

Other changes include incorporating federal regulations on decision time frames and standardizing the public hearing and appeal process. The notification radius will be reduced from 850 feet to 350 feet as part of the standardized public hearing process.

RECOMMENDATION

In Planning Case 09-20, no formal action is required. Staff requests the Commission comment on the proposed changes to Title 11.

Attachments

Chapter 11-1200 General District Standards

Chapter 11-1400 Towers and Antenna Structures

11-1200 General District Standards

11-1200.1 Compliance.

(1) All future development will be required to meet the standards of this Chapter. These standards also apply to existing development where so stated. No structure can be erected, substantially altered, or its use changed unless in compliance with the provisions of this Chapter.

(2) No property can be used in a manner that violates the standards of this chapter.

(3) Violation of these standards will be determined by the ~~Community Development~~ Director, the Chief Building Official, or the City Engineer and will be processed pursuant to Section 11-3. ~~The official will serve, personally or by certified mail, written notice of the alleged violation to those responsible. If those responsible cannot be determined or located, the property owner shall be held responsible. The notice must describe the alleged violation and require correction thereof within a stated time.~~

In matters where technical complexity or great expense makes it difficult to determine if a violation has occurred, the City may retain the necessary personnel to make a determination of the existence of the violation. If a violation is found, the cost of the determination must be paid by the violator, in addition to such penalties as may be appropriate.

(4) No building permit will be approved for any structure at the end of a street which would impede the further extension of such street. This provision applies only to dead-end streets and streets possessing temporary cul-de-sacs. It does not apply to permanent cul-de-sacs.

11-1201 Design Standards for Parking, Driving, Loading, and Open Storage Areas Accessory to Institutional, Commercial, Industrial, Quadhome, Townhouse Mobile Home, and Multiple Dwelling Uses

11-1201.1 Location.

(1) Each use must, at a minimum, provide the number of parking, loading, and stacking spaces required in **Section 11-1201.9**. Such spaces must be located:

(a) On the same lot or tax parcel or within the same common interest community as the use they serve, or

(b) On an adjoining lot or tax parcel to the use they serve, provided:

i. The parking area serves more than one use,

ii. No public street separates the parking spaces and the uses, and

iii. A recorded legal instrument, approved by the City Attorney, provides for the perpetual joint use and maintenance of the parking area.

(2) Spaces on a public street may not be counted toward the minimum requirements.

11-1201.2 Access and Driveways.

(1) No parking or loading space can directly access a public street. All parking, driving, open storage, and loading areas must be designed so that any vehicle entering or leaving such areas is traveling forward. Driveways must be located so any vehicle entering or leaving a parking, open storage, or loading area is clearly visible to oncoming motorists or pedestrians.

(2) ~~The Driveways must have a maximum driveway width within the boulevard of~~ is 36 feet in an Industrial District and 30 feet in all other districts and a minimum width within the

boulevard ~~of~~ is 14 feet for one-way traffic, and 24 feet for two-way traffic, all excluding entrance radii.

(3) Notwithstanding **Section 11-1803(1) and (2)**, a design may allow vehicles leaving tandem parking spaces or attached garage spaces accessory to dwelling units to back onto a public street other than a principal, A minor or B minor arterial public street. Driveways for such parking spaces must have a minimum width within the boulevard of 10 feet per garage to a maximum of 48 feet per driveway, both excluding the entrance radii.

11-1201.3 Circulation.

(1) Parking, driving, open storage areas, and loading and street approaches must be designed to preclude traffic congestion and promote the safe and efficient movement of vehicular and pedestrian traffic on and adjacent to the site. Drives must allow continuous circulation within the paved area. Truck traffic, and other traffic must unless no other arrangement is possible, be excluded from residential streets. Within the site, service traffic must be separated from customer traffic.

(2) Parking and loading areas must be designed so that vehicles are parked in an orderly pattern. All parking and loading spaces must be striped. The design must include traffic safety islands, barriers, planting strips, signs, markings, or other methods of traffic control as necessary for vehicular and pedestrian safety. Fire lanes must be installed and marked as required by the Fire Chief.

11-1201.4 Paving. All parking, driving, loading, and open storage areas must be paved in accordance with specifications on file in the office of the Chief Building Official. The paved areas must be designed to prevent any damage to adjacent properties by surface water runoff and to minimize the amount of paved area on a site. Pavement may be deleted on any portion of an open storage area which is used for the storage of heavy equipment that would damage pavement.

11-1201.5 Curbing.

(1) Concrete curb or curb and gutter shall be used around the entire perimeter of the paved areas required under **Section 11-1805** and around any traffic safety or landscape islands. Bituminous curb may be substituted for concrete curb for those portions of the perimeter where expansion of the paved area ~~may~~ will occur. Curb may be deleted for low use portions of parking and driving areas for quads, townhouses, multiple dwellings, and public utility buildings. All dimensions including, but not limited to, setbacks, driveway widths, and parking space widths must be measured from the face of the curb, not the back of the curb.

(2) Notwithstanding **11-1806(1)**, concrete curb and gutter must be used where a gutter is required for drainage purposes.

(3) A sidewalk may be substituted for a curb when the parking lot directly abuts the sidewalk and the grade of the sidewalk is at least six inches above the grade of the paved area.

(4) Curbs or curb and gutter must be constructed according to standards on file in the office of the Chief Building Official.

(5) Curb and gutter may be waived with a City Engineer approved Low Impact Design (LID) stormwater management plan.

(5) Notwithstanding **11-1806(1)**, upon approval of the Planning Commission a fence may be substituted for a curb if all of the following conditions are met:

- (a) The area enclosed by the fence is used solely for the storage of vehicles or other items in conjunction with a commercial, industrial or institutional use.
- (b) The entire area used for storage is enclosed by fence or building.
- (c) The enclosed area is located in the side or rear yard of the principal structure.
- (d) The enclosed area is not used for the parking of customer or employee vehicles.
- (e) The fence is at least 80 percent opaque, is at least six feet in height and is constructed of masonry, cedar, redwood, treated lumber or other durable material approved in advance by the City.
- (f) The fence shall be located no more than 12 inches from the edge of the paved area.
- (g) Gates meeting the same requirements as a fence are provided at all openings in the enclosure. Gates will be open only to permit the passage of vehicles, other items or individuals into or out of the enclosure in conjunction with the operation of the use. Gates must remain closed at all other times.
- (h) Curb and gutter is not required for drainage purposes.
- (i) Curb is not required to protect landscaping from snow removal operations.
- (j) Movement of vehicles and other items within or into the fenced area is restricted to employees of the use or of delivery services for the use.
- (k) Such other conditions as the Planning Commission may determine are reasonably necessary to meet the intent of this Code.
- (l) Upon the failure of any party to conform to the conditions provided for herein, the Planning Commission may amend or revoke its approval. Any party whose approval has been revoked by the Planning Commission will be subject to the provisions of **Sections 11-1806(1)**. Any person aggrieved by the decision of the Planning Commission may appeal that decision to the City Council in the same manner as an appeal from an application for Conditional Use Permit under **Section 11-315**.

11-1201.6 Lighting. Parking, loading, and stacking spaces must be illuminated to a minimum level of one footcandle at ground level over the entire surface of the paved area, provided that additional lighting may be required as necessary for safety and security.

11-1201.7 Stall, Aisle, Stacking and Loading Space Dimensions. Stall, aisle, stacking and loading spaces must be constructed to the following minimum specifications:

(1) Standard Parking Stalls.

<u>Parking Angle</u>	<u>Stall Width (Including Striping)</u>	<u>Stall Length</u>	<u>Aisle Width</u>	<u>Bay Width</u>	
				<u>Interlock to</u>	<u>Wall to</u>
90 degrees	nine feet	20 feet	24 feet	64 feet	64 feet
60 degrees	nine feet	20 feet	16 feet	55.5 feet	60 feet
45 degrees	nine feet	20 feet	16 feet	50.5 feet	57 feet
Parallel	eight feet	22 feet	12 feet (one way) 24 feet (two way)	n/a	n/a
Tandem	eight feet	25 feet	24 feet	n/a	n/a

Stall length for 90, 60, and 45 degree angles parking stalls may be reduced by the amount of the curb overhang up to a maximum of two feet.

(2) Accessible Parking Stalls. Accessible parking spaces must be provided according to Chapter 1341 of Minnesota Rules (the Minnesota Accessibility Code).

(3) Off-Street Loading or Stacking Space. An off-street loading or stacking space must be a minimum of 12 feet wide, 50 feet long and 15 feet high, unless the maximum size of trucks used does not necessitate such space.

(4) Drive-Thru Stacking Space. A stacking space shall be a minimum of 12 feet wide and 25 feet long.

11-1201.8 Private Streets. Private streets must be a minimum of 24 feet wide when intended for two-way traffic and 14 feet wide when intended for one-way traffic.

~~11-1201.9 — Minimum Number of Parking Spaces Required.~~

~~— (1) Beauty parlors, barber shops, and tanning salons: two spaces for each shop chair or tanning bed.~~

~~— (2) Bowling alleys: five spaces per lane.~~

~~— (3) Builders' showrooms: one space for each 600 square feet of showroom floor area.~~

~~— (4) Churches, theaters, auditoriums, mortuaries, arenas, dance halls, and other places of assembly: one space for each three fixed seats or for each five feet of pew or bench length, or if there is no fixed seating, for each three persons allowed by the occupancy load as determined by the Fire and Building Codes.~~

~~— (5) Drive-in facilities, or motor vehicle washes: six stacking spaces per service window or wash bays.~~

~~— (6) Financial institutions: one space per 300 square feet of floor area.~~

~~— (7) Furniture (including accessories), floor covering, or large household appliances sales: one space for each 600 square feet of retail floor area provided that the business is devoted exclusively to the retail sales of furniture, floor covering, and/or large household appliances.[Revised 8/7/02, Ordinance 1779]~~

~~— (8) Golf courses: two spaces per hole.~~

~~— (9) Industrial and wholesaling uses: one space for the largest number of employees on site on one shift, one space for each vehicle used in the business, plus handicapped spaces required by State law. Area must be available on the site to provide (if needed) one space for every 500 square feet of floor area.~~

~~— (10) Kindergartens, child care centers. Nursery schools and similar uses: One and a quarter parking spaces per employee based on the largest shift plus one drop-off space adjacent to the main entrance per 25 children based on the licensed capacity of the facility.~~

~~— (11) Medical and dental clinics and offices: one space for each 215 square feet of floor area.~~

~~— (12) Motels and hotels: one space per lodging room, one space for each employee on the largest shift, plus one space for every 40 square feet of meeting or banquet space without fixed seating.~~

~~— (13) Office uses: one space per each 300 square feet of floor area.~~

~~— (14) Outdoor sales and open sales lots: one space for each 400 square feet of merchandise area.~~

~~— (15) Restaurants and clubs without liquor: one space for every 2-1/2 seats plus one space for every 40 square feet of banquet or meeting area without fixed seating.~~

~~— With liquor: one space for every two seats plus one space for every 40 square feet of banquet or meeting area without fixed seating. In addition, one space shall be provided for each employee during the largest work shift.[Revised 6/6/00, Ordinance 1695]~~

~~— (16) Retail sales: one space for each 200 square feet of retail floor area in the Community Commercial or Neighborhood Commercial districts. One space for each 180 square feet of retail floor area in other districts.~~

~~— (17) Service stations: two spaces for each service bay, one space for each fuel pump, and one space for each vehicle used in the business.~~

~~— (18) Vehicle sales or rental: one space for each 10 vehicles displayed.~~

~~— (19) Other uses: requirements for other uses shall be based on the parking requirements for similar uses and the needs of the proposed use.~~

~~— (20) Additional parking spaces or reservation of area for additional parking spaces shall be required for reasons including, but not limited to, shift overlapping and visitor parking.[Revised 3/22/94, Ordinance 1485][Revised 6/1/01, Ordinance 1728]~~

Parking Requirements

Residential Uses	
Single family detached dwelling	3 spaces; at least 2 must be within an enclosed garage
Two-family dwellings	3 spaces; at least 2 must be within an enclosed garage
Townhouses	3 spaces; at least 1 must be within an enclosed garage and at least ½ space is in a common parking area
Multiple family dwellings	2.25 spaces per unit; at least .25 space must be in a common lot and at least .75 in an enclosed garage
Mobile homes	2.5 spaces per dwelling; at least 1 must be in an enclosed garage
Nursing homes and assisted living	1.2 spaces per unit, at least .8 space common parking space and .2 in enclosed garage
Boarding Homes	1 space per room plus 3 spaces

Retail Sales and Service	
General retail sales	1 space per 200 sf of floor area
Banks and financial institutions	1 space per 300 sf of floor area
Building material sales	1 space per 300 sf of floor area
Greenhouse, lawn and garden supply store	1 space per 300 sf of floor area

Personal service establishment	2 spaces per chair or tanning bed; or 1 space per 200 sf of floor area
Photocopying and duplicating services	1 space per 300 sf of floor area
Daycare facility	1.25 spaces per employee on largest shift plus 1 drop-off space per 25 children based on capacity
Self service storage	
Furniture store/retail showroom	1 space per 600 sf of floor area
Laundromat	

Automobile Services	
Vehicle repair	
Vehicle sales	
Convenience store	1 per 300 sf of floor area; service area at gas pumps cannot be counted as parking spaces
Automobile parts sales	1 per 300 sf of floor area
Vehicle rental	1 space per 400 sf plus 1 space per rental vehicle

Food and Beverage	
Coffee shop/deli	1 space per every 2.5 seats plus 1 space for every 40 sf of serving area
Restaurant	Without liquor 1 space per every 2.5 seats plus 1 space for every 40 sf of banquet or meeting area; with liquor 1 space per 2 seats 1 space for every 40 sf of banquet or meeting area
Bar/tavern	1 space per 2 seats 1 space for every 40 sf of banquet or meeting area

Commercial Recreation, Entertainment and Lodging	
Hotel	1 space per guest room plus 1

	space per employee
Fitness center	
Theater	
Indoor recreation – bowling alley, roller rink, pool hall	1 space per 4 persons design capacity
Outdoor recreation – golf course,	

Office and Medical Facilities	
General office	1 space per 300 sf of floor area
Medical office or clinic	1 space per 215 sf of floor area
Hospital	1 space per 2 beds plus 1 space per 215 sf of clinic/office space
Laboratory, medical or dental	1 space per 300 sf of floor area

Social, Cultural and Places of Assembly	
Club, banquet or meeting hall	1 space per 3 seats or for each 5 feet of bench space, or if there is no fixed seating, 1 space for every 3 persons allowed by occupancy load
Place of worship	1 space per 3 seats or for each 5 feet of bench space, or if there is no fixed seating, 1 space for every 3 persons allowed by occupancy load
Library	
Museum	
Community center	
College	
High school	___space per student plus 1 space for every ___ seats in largest gymnasium, stadium or assembly area
Middle school	1 space for every 5 seats in the principal assembly area
Elementary school	1 space for every 5 seats in the principal assembly area

Industrial Uses	
Research and development	1 space per 300 sf of floor area
Light industry	1 space per employee on the largest shift, space per company vehicle and proof of parking for 1 space per 500 sf of floor area
Wholesale business, warehouse, truck terminal	1 space per employee on the largest shift, space per company vehicle and proof of parking for 1 space per 500 sf of floor area
Equipment rental	1 space per 500 sf of floor area

Parking requirements for uses not listed above will be based on the parking requirements for similar uses and the needs of the proposed use.

11-1201.10 Maintenance and Use.

- (1) The surface and curbs of all parking, driving, and loading areas must be maintained in good condition, and remarked or striped when worn or faded.
- (2) Parking, driving, and loading areas must be kept clear of trash and debris.
- (3) Lighting for parking, driving, and loading areas must be kept in good working order. Broken or burned-out lightbulbs shall be replaced within 24 hours.
- (4) No vehicle, trailer, or truck, truck-tractor, semitrailer, or special mobile equipment as defined by **Section 11-1827(2)(b), (c), or (d), and (e)**, may be driven, towed or parked off a paved surface except as provided by **Section 11-1201**.

11-1201.11 Nonconforming Parking, Driving, Loading, and Open Storage Areas. ~~Nonconforming parking, driving, loading and open storage areas shall be allowed to continue, but shall not be rebuilt, replaced or altered without being brought into compliance with the requirements of this Chapter. Parking spaces approved before June 1, 2001 may be reconstructed without being enlarged if the enlarged parking area would not comply with setback requirements or would require reconstruction of a principal structure. The owner of a parking lot that has fewer parking spaces than required by this Chapter shall, upon notification by the Community Development Director, add enough spaces to conform to this chapter within one year of notice.~~ **[Revised 6/1/01, Ordinance 1728] Nonconforming parking, driving, loading and open storage areas must comply with Section 11-1300.2(5)**

11-1203.1 Land Dedication. The City Council may require a developer to dedicate land planned for public streets and service drives before a building permit may be issued. The purpose of such dedication would be to assure safe and efficient traffic circulation.

~~(3) Definitions. For the purposes of this Section, the terms “semitrailer” and “ground level storage container” shall mean:~~

~~(a) Semitrailer. “Semitrailer” means a vehicle of the truck type so designed and used in conjunction with the truck tractor that a considerable part of its own weight or that of its load rests upon and is carried by the truck tractor and shall include a trailer drawn by a truck tractor, semitrailer combination.~~

~~(b) Ground level storage container. “Ground level storage container” means any container similar in design to a semitrailer, but not equipped with wheels for travel on a public roadway and which is delivered to the site preassembled, and with or without a ground level entrance, excluding containers designed and used for the storage of garbage, trash, rubbish, recycling, and similar materials in conformance with the City Code.~~

~~(3) The regulations of this Section include the streets adjacent to such uses.~~

~~(4) Community Service Officers may issue citations for violations of this section, provided, that no Community Service Officer may require a person served to sign a promise to appear with respect to any such citation.~~

~~(5) Effective Date. The effective date of this ordinance is April 01, 2001, and applies to the parking, storage, or maintenance of semitrailers and ground level storage containers from and after that date.~~

~~11-1203.5 — Sidewalks. A sidewalk must be provided with any new development along any street designated on the City Sidewalk Plan, on any arterial or collector street, or where required by the City Council as part of a permit, rezoning, or subdivision plat. With regard to collector or arterial streets which are adjacent to or extend through the interior of industrial parks, the Council, upon petition of the owner or developer, may postpone the construction of such sidewalks until such time as the Council may determine the need for sidewalks on one or both sides. Such determination must be based upon, but not limited to, consideration of the following factors: the presence of labor intensive industry; access to public transportation; anticipated frequent use by pedestrians.~~

~~VEHICLE STORAGE IN RESIDENTIAL DISTRICTS~~

~~— 11-1827 Truck and Trailer Storage.~~

~~— (1) Except as provided below, it shall be illegal to park or store, or permit to be parked or stored on residential property a truck licensed for more than 9,000 pounds gross vehicle weight, a truck tractor, a semitrailer, or special mobile equipment.~~

~~— (a) This section shall not apply to major recreational equipment as defined in Section 11-1828(1), to any motor vehicle which is being actively loaded or unloaded or which is being utilized to render a service.~~

~~— (b) One truck licensed for more than 9,000 pounds gross vehicle weight or one truck tractor per dwelling unit may be parked on residential property, provided that the vehicle is owned or operated by a resident of the property, any such vehicle is parked on the paved portion of the driveway or private parking lot of such residential property, and, provided further, that the engine of any such vehicle shall not be allowed to idle for more than a total of one hour within any six hour period.~~

~~— (2) Definitions. For the purposes of this Section, the terms “residential property,” “truck,” “truck tractor,” “semitrailer,” and “special mobile equipment” shall mean:~~

~~— (a) Residential property. “Residential Property” shall include all properties zoned or primarily used for residential purposes.~~

- ~~—— (b) Truck. “Truck” means any motor vehicle designed, used, or maintained primarily for the transportation of property and not for the carrying of passengers.~~
- ~~—— (c) Truck tractor. “Truck tractor” means any motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.~~
- ~~—— (d) Semitrailer. “Semitrailer” means a vehicle of the truck type so designed and used in conjunction with the truck tractor that a considerable part of its own weight or that of its load rests upon and is carried by the truck tractor and shall include a trailer drawn by a truck tractor, semitrailer combination.~~
- ~~—— (e) Special mobile equipment. “Special mobile equipment” means every vehicle not designed or used primarily for the transportation of persons or property and only incidentally operated or moved over a highway, including, but not limited to: ditchdigging apparatus, moving dollies, and other machinery such as asphalt spreaders, bituminous mixers, bucket loaders, tractors, other than truck tractors, ditchers, leveling graders, finishing machines, motor graders, road rollers, scarifiers, earth moving carryalls, serapers, power shovels, draglines, self propelled cranes, and earth moving equipment.~~
- ~~—— (3) The regulations of this Section include the streets within and adjacent to such subdivisions.~~
- ~~—— (4) Community Service Officers may issue citations for violations of this section, provided, that no Community Service Officer may require a person served to sign a promise to appear with respect to any such citation.[Revised 5/2/95, Ordinance 1529]~~

~~11-1828 Major Recreational Equipment in Residential Districts.~~

- ~~—— (1) Definition. Major recreational equipment includes, but is not limited to: travel trailers, boats, converted busses, coaches, pickup campers, campers, motorized dwellings, race cars, and dune buggies. It does not include vehicles used predominantly for domestic or employment-related transportation.~~
- ~~—— (2) Standards. Major recreational equipment in a residential district must conform to the following standards, in addition to the standards in Title 9 (Traffic and Transportation). These standards are enforceable against the property owner, the vehicle owner, and the vehicle possessor(s), joint and severally. For this purpose, the vehicle owner is presumed to be the registered owner, unless rebutted.~~
- ~~—— (a) No major recreational vehicle may be used for living, sleeping, or housekeeping purposes, except that one major recreational vehicle not exceeding the limitations of 11-1828(2) is allowed for occasional living purposes, not to exceed three days per 30 day period, to accommodate visitors, provided the vehicle is parked on private property.~~
- ~~—— (b) Major recreational equipment stored outside must be in a condition for the safe and effective performance of its intended function or repaired to put such equipment in such condition. Equipment being repaired may not be stored longer than 20 days. [Revised 9/1/92, Ordinance 1428]~~
- ~~—— (c) Maximum Number: Two major recreational vehicles per residential dwelling unit, whether stored inside or outside a building.~~
- ~~—— (d) Size limitations for major recreational equipment parked or standing in residential districts more than 12 hours:~~
- ~~—— i. Maximum Height: Thirteen and one half feet measured from the ground to the highest point on the vehicle at the recommended tire pressure. For the purposes of~~

~~measuring height, all accessories, attachments, and material carried on the vehicle shall be considered part of the vehicle.~~

~~ii. Maximum Length: Forty five feet, measured from the longest point on the vehicle or, if a trailer, the horizontal distance between the front and rear edges of the trailer bed. For the purposes of measuring length, all accessories, attachments, and material carried upon a vehicle is considered a part of the vehicle or trailer bed.~~

~~iii. Maximum Width: Eight and one half feet in width, measured from the widest point on the vehicle or, if a trailer, the horizontal distance between the left and right edges of the trailer bed. For the purposes of measuring width, all accessories, attachments, and material carried upon a vehicle is considered a part of the vehicle or trailer bed.[Revised 9/19/06, Ordinance 1931]~~

~~11-1829 Number of Vehicles:~~

~~(1) The number of vehicles on a residential parcel may exceed by only two the number of persons with valid drivers licenses residing on the premises. The following vehicles shall be exempted from this requirement:~~

~~(a) Temporary visitor parking.~~

~~(b) Major recreational vehicles.~~

~~(c) A maximum of two collector vehicles registered as pioneer, classic, collector or street rod vehicles. The collector plates must be displayed on the vehicle.~~

~~(d) Trailers, trucks, and other vehicles used in loading, unloading, maintenance, or construction on the premises.~~

~~(e) Two or three wheeled vehicles.~~

~~(2) It shall be illegal to park or store or permit to be parked or stored any vehicle on undeveloped residential property. This provision shall not apply to vehicles used in conjunction with City approved projects. [Revised 9/1/92, Ordinance 1428]~~

~~Junk Vehicles~~

~~11-1830 Definition. A junk vehicle shall include any motor vehicle or trailer which is not in an operable condition, which is partially dismantled, which is used for the sale of parts or as a source of repair and replacement parts for other vehicles or which is kept for scrapping, dismantling, or salvage. The following vehicles shall not be considered junk vehicles:~~

~~(1) An unlicensed vehicle for sale in an automobile sales lot; and~~

~~(2) A collector vehicle registered as a pioneer, classic, collector or street vehicle, as defined in M.S.A. 168.10, if actively being restored. [Revised 9/1/92, Ordinance 1428]~~

~~11-1831 Residential Property:~~

~~(1) The parking, storage, repairing, dismantling, demolition, or abandonment of junk vehicles or part thereof on a residential property is prohibited, except that a resident of the premises may repair one vehicle on the property if the vehicle is owned by a resident and such repair does not exceed 20 days.~~

~~(2) The parking or storage of a motor vehicle, other than a junk vehicle or major recreational equipment, on residential property is prohibited unless the vehicle is displaying current registration, or is exempt from registration under Minnesota State law, and the property~~

~~around the vehicle is kept mowed and free of debris. Such vehicles shall be included in the number of permitted vehicles under Section 11-1829. [Revised 9/1/92, Ordinance 1428]~~

~~11-1832 Other Property. For other property, the parking, storage, or maintenance of junk vehicles is allowed only if incidental to a permitted use and if the vehicles are being actively repaired. Such vehicles shall be stored within an enclosed building or be so screened that they are not visible from public streets or adjoining properties. [Revised 9/1/92, Ordinance 1428]~~

11-1202 Sign Regulations

11-1202.1 Purpose and Intent. It is not the purpose or intent of this sign ordinance to regulate the message displayed on any sign; nor is it the purpose or intent of this Chapter to regulate any building design or any display not defined as a sign, or any sign which cannot be viewed from outside a building. The purpose and intent of this Chapter is to:

- (1) Regulate the number, location, size, type, illumination and other physical characteristics of signs within the City in order to promote the public health, safety, and welfare;
- (2) Maintain, enhance and improve the aesthetic environment of the City by preventing visual clutter that is harmful to the appearance of the community;
- (3) Improve the visual appearance of the City while providing for effective means of communication, consistent with constitutional guarantees and the City's goals of public safety and aesthetics; and
- (4) Provide for fair and consistent enforcement of the sign regulations set forth herein.

11-1202.2 Definitions. For the purposes of this Chapter, definitions in Chapter 11-200 apply.

11-1202.3 General Provisions.

(1) Permit Required. The following general provisions are applicable to all signs. It shall be unlawful for any person to erect, alter, replace, or relocate any sign or other advertising structure without first obtaining a permit and paying the required fees, except as herein otherwise provided.

(2) Exempted Signs. The following signs are exempt from the requirements of this Chapter:

- (a) Signs erected by a public agency in a public right-of-way.
 - (b) Private traffic directional signs not exceeding eight square feet.
- (3) Prohibited Signs.
- (a) No sign will be attached to trees or utility poles.
 - (b) No sign will be painted directly on any exterior building surface. Sign letters and symbols may be attached directly to a wall by adhesive or mechanical means.
 - (c) No sign will overhang the public right-of-way, sidewalk easement, walkway easement or bicycle path easement except a bus bench or approved trash container at a designated public transportation pick up location.
 - (d) No sign will extend above the roof line of a building.
 - (e) Projecting signs must not project further than two feet from the wall to which they are anchored.

(f) No sign will be installed that by reason of position, movement, shape, illumination, or color would constitute a traffic hazard by obstructing a driver's vision or by interfering, confusing, or misleading traffic.

(g) No sign will noticeably move either by mechanical means or as a result of normal wind pressure.

(h) All other signs not expressly permitted by this Chapter.

(4) Permit Application. An application for a sign permit must be made on blanks provided by the Zoning Administrator and state or have attached thereto the name and address of the person or company that will be erecting the sign; the location of the building, structure, or lot on which the sign is to be erected; the position of the sign in relation to nearby buildings or structures; the written consent of the owner of the land on which the sign is to be erected; and any other information the Zoning Administrator considers necessary. These requirements may be waived by the Zoning Administrator where they are not applicable. The Zoning Administrator will approve or deny a sign permit application in an expedited manner no more than 30 days from the receipt of the complete application, including the applicable fee. Any application not approved or denied within 30 days will be deemed denied. If the permit is denied, the Zoning Administrator will issue a written notice of denial within 10 days of the decision, describing the applicant's appeal rights under **Section 11-336**.

(5) Fees. Every applicant must pay a fee for each sign regulated by this Chapter before being granted a permit.

(a) The City Council will establish the permit fee by ordinance.

(b) Except for maintenance, any substantial alteration, replacement of the business message, or relocation of a sign constitutes a new sign, requiring an additional permit and fee.

(c) A double fee will be charged if a sign is erected without first obtaining a permit for such sign.

(d) The permit fee for a temporary sign erected without first obtaining a permit may be charged against the lot or parcel of land if the property owner fails to comply with a written request from the Zoning Administrator to obtain a permit. The amount so charged against the lot or parcel of land together with a description of the premises and the name of the owner will be certified to the County Auditor and will be collected in the same manner as taxes or special assessments against said premises. The charge is a perpetual lien on the premises until paid.

(6) Revocation of Permit. The Zoning Administrator is hereby authorized to revoke a sign permit upon failure of the holder thereof to comply with any provision of this Chapter. Any party aggrieved by such revocation may appeal the action to the Board of Adjustment and Appeals within 10 days after the revocation.

(7) Expiration of Permit. A permit expires if the sign is not erected within 180 days after issuance and no permit fees or inspection fees for such sign will be refunded.

(8) Initial Inspection. All sign installations for which a permit is required are subject to inspection by the Zoning Administrator to ensure that such signs are erected according to the permit.

11-1202.4 Maintenance and Removal of Signs.

(1) All signs must be maintained by the sign owner in a safe, neat, clean and attractive condition. A sign must be replaced or refurbished so as to restore the original appearance thereof

whenever it begins to fade, chip or discolor, rust, ceases to be in good repair or becomes unsightly.

(2) Removal of signs will be governed by the following:

(a) On-premises signs shall be removed from the building and property by the owner of such property within 14 days after the use is terminated.

(b) Off-premises signs shall be removed within 30 days after discontinuation of use of the sign. A sign shall be considered discontinued if the message is removed, the subject of the message no longer exists, or the sign is not maintained.

(3) If the Zoning Administrator finds that any sign is unsafe, a detriment to the public, not maintained, or constructed, erected, or maintained in violation of the provisions of this Chapter, the sign owner shall be notified of the violation in writing personally or by U.S. Mail. If the sign owner fails to comply with the standards of this Chapter within 20 days after such notice is given or mailed, if no appeal is taken pursuant to the provisions of [Section 11-336](#) or if no owner, occupant, or agent can be found, such sign may be removed or altered to comply by the Zoning Administrator; provided, that for temporary signs, the notice and appeal period is seven days. The records showing the cost of such work attributable to each separate lot or parcel shall be delivered to the City Clerk. The amount so charged against said lot or parcel of land, together with a description of the premises and the name of alleged owner, will be certified to the County Auditor and will be collected in the same manner as taxes or special assessments against said premises. The charge shall be a perpetual lien on the premises until paid.

11-1202.5 Design of Illuminated Signs.

(1) Signs must not have blinking, flashing, or fluttering lights or change in brightness or color.

(2) On-premises signs may include dynamic displays, except as regulated in [Table 11-2107\(2\)](#), provided that the message is changed at intervals of not less than four seconds by electronic process or remote control and the only movement is the periodic changing of information against a solid, colorless background, engineered for maximum legibility and readability, and having a constant light level and glare-reducing screens. Fading, dissolving, scrolling, traveling, or any transition that creates the illusion of movement is prohibited.

(3) The light from illuminated signs must not reflect direct rays of light onto adjacent property or public streets.

(4) No incandescent lamps may be used on exterior surfaces of any sign that exceeds 15 watts during nighttime hours.

11-1202.6 Temporary Signs.

(1) Banners, Streamers, Spinners, Revolving Beacons, Search Lights, and Portable Signs.

(a) The Zoning Administrator may issue permits for the use of portable signs 12 square feet or less in area, banners, streamers, spinners, revolving beacons, search lights or other exterior temporary signs in commercial and industrial districts, as well as for institutional uses in residential districts.

(b) Permits for portable signs 12 square feet or less in area, banners, streamers, spinners and other exterior temporary signs must not be issued in conjunction with the same business activity for more than 60 days in any calendar year.

(c) No more than three portable signs or banners may be displayed under a single permit.

(d) A business activity may only be issued one permit at any given time. A separate permit is required for each display period.

(e) Search lights and revolving beacons must not be directed into residential areas or onto streets and are not to be permitted more than six days per calendar year.

(f) Twenty days will be subtracted as a penalty from a business activity's allotted number of days when that activity maintains a temporary sign past the expiration date for the permit, irrespective of compliance during the period under Section 11-2106(2)(e). If the business activity has fewer than 20 allotted temporary sign days remaining for the calendar year in which the penalty is imposed, the balance of those penalty days will be subtracted from that activity's allotted temporary sign days in the following calendar year.

(2) Other Temporary Signs:

(a) No permit or permit fee is required, however, all other provisions of this Chapter shall apply.

(b) A temporary sign under this section must be set back at least one foot from a public sidewalk or 18 feet from the street pavement if there is no sidewalk. In no case will a sign be located within a public right-of-way or within 10 feet from any other property line.

(c) A temporary sign under this section must be removed within 10 days after its use has been terminated.

(d) A temporary sign under this subsection must not exceed eight square feet in a residential district and 32 square feet in all other districts and no more than one temporary sign will be allowed on each street frontage.

(e) Limitations on size and number of non-commercial speech signs do not apply from 46 days before the state primary in a state general election year until 10 days following the state general election and 46 days before a primary for a special election, or, in the event there is no primary, 46 days before the special election until 10 days following the special election.[Revised 5/4/10, Ordinance 2032]

(f) The City may, without notice, remove any sign erected in violation of this Section or any other federal, state, or local law or ordinance. Any signs not claimed within 30 days after removal may be destroyed by the City.

(g) Temporary window signs will only be permitted in a commercial district, provided that they do not occupy more than 40 percent of the window area on any building frontage.

(h) One temporary real estate sign constructed of durable materials located on the premises is permitted for sale or lease of building or vacant lot for each street frontage.

(i) One temporary construction sign constructed of durable materials is permitted on each street frontage of a development under construction.[Revised 12/18/07, Ordinance 1971]

11-1202.7 On-Premises District Sign Provisions.

(1) Wall Signs. Wall signs will be permitted by zoning district in accordance with the standards established in Table 11-2107(1):

Table 11-2107(1) Wall Sign Allowances by Zoning District

Use Type/Zoning District	Number/Location	Maximum Area per Wall on which signs are permitted
--------------------------	-----------------	--

Use Type/Zoning District	Number/Location	Maximum Area per Wall on which signs are permitted
Multi-Family Buildings/ Residential Developments in LDR1, LDR2, MDR, HDR, MH	One per street frontage identifying the name of the building only. A wall containing a public entrance may be signed in lieu of a wall facing a street frontage.	20 square feet
O, Institutional Uses in LDR1, LDR2, MDR, HDR, MH	Unlimited number of signs permitted on one business frontage.	32 square feet or 10 percent of the building face to which the sign is attached whichever is greater, to a maximum of 100 square feet.
Shopping Centers/ Multiple Tenant Buildings in O, NC, I	Unlimited number of signs permitted on each business frontage, not to exceed two walls per business.	40 square feet or 10 percent of the area of the front of the building, whichever is greater, to a maximum of 100 square feet
Other Developments in NC, I	Unlimited number of signs permitted on each business frontage, not to exceed two walls per building, subject to standards in 11-2107(1)(a).	40 square feet or 10 percent of the area of the front of the building, whichever is greater, to a maximum of 100 square feet
Shopping Centers/ Multiple Tenant Buildings in CC, GC	Unlimited number of signs permitted on each business frontage, not to exceed two walls per business, subject to standards in 11-2107(1)(b).	40 square feet or 10 percent of the face of the building to which the sign is attached, whichever is greater, to a maximum of 200 square feet
Other Developments in CC, GC	Unlimited number of signs permitted on each business frontage, not to exceed two walls per building.	80 square feet or 10 percent of the wall to which it is attached, whichever is greater, to a maximum of 200 square feet
RS	Unlimited number of signs permitted on each building wall facing a street or parking field.	80 square feet or 10 percent of the wall to which it is attached, whichever is greater, to a maximum of 200 square feet
RRO, PORT	Governed by underlying zoning outside of PORT districts. Within PORT districts, governed by district most similar to use.	Governed by underlying zoning outside of PORT districts. Within PORT districts, governed by district most similar to use.
Permitted Uses in CD	One wall or ground sign per street frontage.	32 square feet
Conditional Uses in CD	Governed by district most similar to use, unless otherwise specified in development plans.	
PUD	Governed by the approved development plan. This Chapter is the standard by which the PUD sign plan will be evaluated.	
Nonconforming Uses	No additional signs permitted.	

Zoning Districts

Abbreviation	Zoning District
LDR1	Low-Density Residential 1 District

LDR2	Low-Density Residential 2 District
MDR	Moderate-Density Residential District
HDR	High-Density Residential District
MH	Mobile Home District
O	Office District
NC	Neighborhood Commercial District
CC	Community Commercial District
GC	General Commercial District
I	Industrial District
RS	Regional Shopping District
RRO	River Rapids Overlay District
PORT	Port Evergreen, Port Riverwalk, Port Campus Square, and Port Wellness Districts
CD	Conservancy District
PUD	Planned Unit Development

(a) Shopping Center Signs in NC. No sign will be erected to the rear of a business except for an identification sign of up to four square feet. Signs in shopping centers and multiple tenant buildings must be standardized in terms of location on building and style. Sign criteria will be documented in standards to be approved by the Zoning Administrator prior to issuance of any sign permit for the center. A copy of the standards will be kept on file with the Zoning Administrator.

(b) Shopping Centers/Multiple Tenant Buildings in CC, GC, RS, and I. No sign will be erected to the rear of a business except for an identification sign of up to four square feet if the rear of the business faces a residential district. Signs in shopping centers must be standardized in terms of location on building, method of construction, and style. Sign criteria will be documented in standards to be approved by the Zoning Administrator prior to issuance of any sign permit for the center. A copy of the standards will be kept on file with the Zoning Administrator.

(2) Ground Signs. Ground signs are permitted by zoning district in accordance with the standards established in **Tables 11-2107(2) and 11-2107(3).**

Table 11-2107(2) Ground Sign Allowances by Zoning District

Use/District	Number	Maximum Area	Maximum Height	Min. Setback
Multi-Family Buildings/ Residential Developments in LDR,1 LDR2, MDR, HDR, MH	One per frontage.	32 square feet	10 feet	See 11-2108.
Other Residential Uses, including Home Occupations in LDR1 LDR2, MDR, HDR, MH	One per lot. Cannot be illuminated.	Six square feet	Three feet	See 11-2108.

Use/District	Number	Maximum Area	Maximum Height	Min. Setback
O, Institutional Uses in LDR1, LDR2, MDR, HDR, MH	One per building	100 square feet A sign greater than 25 square feet may only be displayed on a frontage greater than 100 feet	See 11-2109.	See 11-2108.
Shopping Centers/ Multiple Tenant Buildings in O, NC, I	One area identification sign per center.	100 square feet	See 11-2109.	See 11-2108.
Other Developments in NC, I	One	100 square feet	See 11-2109.	See 11-2108.
Shopping Centers/ Multiple Tenant Buildings in CC, GC	For centers less than 15 acres, One identification sign is permitted per arterial/ collector frontage. For centers greater than 15 acres, two identification signs are permitted or two area identification signs per arterial/ collector street frontage, whichever is greater.	For centers less than 15 acres, the maximum size of an identification sign is 264 square feet, but no more than 200 square feet may be devoted to the permanent message portion of the sign with the remainder being reader board or electronic display. For centers greater than 15 acres, the maximum size of an identification sign is 300 square feet.	See 11-2109.	See 11-2108.
Unified Developments in CC, GC	One per business frontage, not to exceed two per building. One area identification sign per development subject to standards in 11-2107(2)(a)	100 square feet for individual building signs; 300 square feet for area identification signs if there are no other ground signs on the same frontage.	See 11-2109.	See 11-2108.
Other Developments in CC, GC	One per building frontage.	For properties with less than 300 feet of frontage-100 square feet; for properties with 300 feet of frontage or more-100 square feet + one square foot for each additional foot of frontage over 300 feet for a maximum of 200 square feet	See 11-2109.	See 11-2108.
RS	Governed by the approved development plan.	Governed by the approved development plan.	See 11-2109.	See 11-2108.

Use/District	Number	Maximum Area	Maximum Height	Min. Setback
RRO PORT	One; must be monument sign, limited to two faces, per property or residential development, subject to standards in 11-2107(2)(b).	100 square feet, including base and supporting material. Base and supporting material must constitute at least 25 percent of the total area. A reader board or electronic display must not exceed 50 percent of the area containing sign copy.	10 feet	See 11-2108(4)
Permitted Uses in CD	One wall or ground sign per street frontage.	32 square feet	See 11-2109.	See 11-2108.
PUD	Governed by the approved development plan. This Chapter will be the standard by which the PUD sign plan will be evaluated.			
Nonconforming Uses	No additional signs permitted.			

(a) Signs for Unified Developments. All ground signs on the same frontage must be the same height. All ground signs must be mounted on supports of identical design. Area identification signs for shopping centers 20 or more acres in size located within unified developments may be placed on a lot within the unified development less than 20 acres in size. The following requirements apply to such signs:

- (i) The sign must be located within 500 feet of the shopping center.
- (ii) The sign must not be separated from the shopping center by an arterial street.
- (iii) The sign will be subject to the height, setback and separation requirements of a ground sign in the zoning district in which it is located. It will otherwise be subject to the requirements of 11-2107(2).
- (iv) The sign will not be included in the total signage permitted for the property on which it is located.
- (v) The general location of area identification signs for shopping centers within unified developments must be approved by the Planning Commission as part of the site plan approval.

(b) Monument Sign Design in River Rapids Overlay District. The monument sign base must be constructed of materials similar in appearance to those of the principal structure and consist of brick, natural stone, stucco, textured cast stone, or integrally colored concrete masonry units. The structure surrounding the face of the sign from the base to the top of the sign must be solid, continuous, and consist of the base materials or complementary materials that match the appearance and color of the principal building. The 200 square feet of ground area around the base of a monument sign must be landscaped with shrubs or perennials. Landscape material must be selected to withstand the environmental conditions of the site and provide seasonal interest.

(3) Fuel Pump Canopy Signs. Signs may be placed on two faces of a fuel pump canopy. Canopy signs are limited to a business logo and/or graphic design not to exceed 10 percent of each canopy face area or 24 square feet on each canopy face, whichever is greater. Canopy

signage will be deducted from the permitted wall signage area for the business. Fuel pump canopy signs must not project above or below the canopy area. Dynamic displays are not permitted on fuel pump canopies.

11-1202.8 On-Premises Sign Setbacks.

(1) Permanent pylon signs must be set back at least 15 feet from any right-of-way line and at least 10 feet from any other property line. Permanent monument signs must be set back at least 10 feet from any property line or right-of-way line.

(2) A sign (including supporting structure) within the sight triangle must either have maximum height of two and one half feet or a minimum clearance of 10 feet above the center line grade of the intersecting streets.

(3) A ground sign of over 25 square feet may be displayed only on a frontage of 100 feet or more and must not be closer than 100 feet to any other ground sign of over 25 square feet.

(4) Signs must be located a minimum of 10 feet from a public street right-of-way, except that along Coon Rapids Boulevard the minimum setback is 20 feet from the curb of the roadway, two feet behind a public sidewalk, or two feet from the right-of-way of Coon Rapids Boulevard, whichever location places the sign farthest from the roadway.

11-1202.9 On-Premises Sign Height. Ground signs must not exceed the following height as measured perpendicularly from the highest point of the sign structure to the grade level directly below the sign. Existing grade may not be altered for the purpose of increasing the sign height.

(1) River Rapids Overlay District. Maximum height for ground signs in the River Rapids Overlay district is 10 feet.

(2) Zoning Districts Outside of River Rapids Overlay District. Maximum height for monument signs is 10 feet. Maximum height for pylon signs is established in **Table 11-2109**.

Table 11-2109: Maximum Permitted Pylon Sign Height

Square Footage of Sign	Maximum Height Permitted
40 square feet or less	20 feet
41 to 80 square feet	24 feet
81 to 264 square feet	30 feet
Over 264 square feet	36 feet

[Revised 12/18/07, Ordinance 1971]

11-1202.10 Off-Premises Signs.

(1) Applicability. No off-premises sign may be placed, erected, or maintained in the City, nor may an owner or lessee permit property under the control of the owner or lessee to be used for such a sign, except in accordance with this Chapter.

(2) Prohibition. No off-premises signs not already existing as of September 10, 2001 may be placed or erected in the City except that a non-conforming off-premises sign located outside the highway corridor may be replaced with a conforming off-premises sign placed or erected within the highway corridor in accordance with this section.

(3) Conforming Off-premises Signs. Off-premises signs located within the highway corridor are conforming signs and may be structurally maintained and replaced as needed provided they otherwise comply with this Chapter.

(4) Requirements. All off-premises signs must meet the following requirements:

(a) May not exceed 250 square feet of display area on any single side. The sign faces must be roughly perpendicular to the roadway. A sign will have no more than two display sides with the two sides mounted back-to-back. The angle of intersection between the display sides will be no greater than 15 degrees.

(b) May not exceed 30 feet in height as measured perpendicularly from the highest point of the sign structure to the grade level directly below the sign. The existing grade level may not be altered for the purpose of increasing sign height.

(c) Must be of mono-pole design. Any exposed metal on the supporting structure must be painted a single dark color.

(d) May be located only in areas zoned Community Commercial, General Commercial or Industrial.

(e) May not be located within an interchange.

(f) Maintain the following setbacks and separations:

Public parks and rest areas	
Measured laterally along roadway	500 feet
Measured in any other direction	200 feet
Residentially zoned property	
Measured laterally along roadway	500 feet
Measured in any other direction	200 feet
Non-residential buildings	200 feet
On-premises sign	100 feet
Property line	100 feet
Right-of-way line	50 feet
Another off-premises sign on same side of roadway	1,000 feet

(5) Dynamic Display Techniques. Nonconforming off-premises signs may not use dynamic display techniques. Any conforming off-premises sign using dynamic display techniques in whole or in part must meet the following operational standards:

(a) Duration. In all districts the full sign image or any portion thereof must have a minimum duration of 60 seconds and must be a static display. No portion of the image may flash, scroll, twirl, change color, or in any manner imitate movement.

(b) Transition. In all districts where the full sign image or any portion thereof changes, the change sequence must be accomplished by means of instantaneous re-pixelization. Fading, dissolving, scrolling, traveling, or any transition that creates the illusion of movement is prohibited.

(c) Brightness. The sign must not exceed a maximum illumination of 5,000 nits (candelas per square meter) during daylight hours and a maximum illumination of 500 nits (candelas per square meter) between dusk to dawn as measured from the sign's face at maximum brightness.

(d) Dimmer Control. Electronic graphic display signs must have an automatic dimmer control to produce a distinct illumination change from a higher illumination level to a lower level for the time period between one half-hour before sunset and one half-hour after sunrise.

(e) Fluctuating or Flashing Illumination. No portion of any sign may fluctuate in light intensity or use intermittent, strobe or moving light or light that changes in intensity in sudden transitory bursts, streams zooms, twinkles, sparkles, or in any manner creates the illusion of movement.

(f) Video Display. No portion of any sign may change its message or background in a manner or by a method of display characterized by motion or pictorial imager, or depicts action or a special effect to imitate movement, or the presentation of pictorials or graphics displayed in a progression of frames that give the illusion of motion or the illusion of moving objects, moving patterns or bands of light or expanding or contracting shapes.

11-1202.11 Wall Graphics. Wall graphics are considered wall signs for purposes of calculating area and are subject to the size requirements established in table 11-2107(1). The Board of Adjustment and Appeals may permit a larger wall graphic if:

- (1) It is compatible in scale, color, and size with the surrounding land uses;
- (2) There is a unique feature to the design which requires more area than is permitted; and
- (3) The wall graphic is the minimum size necessary for the effective presentation of the design.

11-1202.12 Municipal Entry Monuments. Signs or monuments located at street or highway entry points to the City which indicate, exclusive of any commercial message, that one is entering the City are permitted in all districts, subject to the following requirements:

- (1) Municipal entry monuments must be of a design approved by the City Council and shall be owned and maintained exclusively by the City.
- (2) Municipal entry monuments must be set back at least 10 feet from any street right-of-way or property line.
- (3) Any municipal entry monument located within 25 feet of the intersection of a street right-of-way line and a driveway entrance must have a minimum vertical clearance of 10 feet above the centerline of the street pavement.
- (4) The message portion of a municipal entry monument cannot exceed 60 square feet in area. Nor more than four additional square feet in area may be used to set forth the name or logo of any donor.
- (5) The monument or sign structure cannot exceed 30 feet in height as measured perpendicularly from the height of the highest point of the structure to the grade level directly below the monument or sign. Existing grade may not be altered for the purpose of increasing monument or sign height.

11-1202.13 Nonconforming Signs. It is recognized that signs exist within the zoning districts which were lawful before this Chapter was enacted but will be prohibited under the terms of this Chapter. Nonconforming signs must not be enlarged or expanded nor used as grounds for adding other signs or uses prohibited elsewhere in the same district. Permitting legal nonconforming signs existing on the effective date of this Chapter may continue as legal nonconforming signs provided such signs are safe and are maintained as not to be unsightly, and have not been abandoned or removed, subject to the following provisions:

- (1) No sign will be enlarged or altered in a way which increases its nonconformity.

(2) If the use of the nonconforming sign or sign structure is discontinued for a period of one year the sign or sign structure cannot be reconstructed or used except in conformity with the provisions of this Chapter.

(3) Should such nonconforming sign or sign structure be damaged or structure be destroyed by any means to an extent greater than 50 percent of its market value and all required permits for its reconstruction have not been applied for within 180 days of when the sign or sign structure was damaged, it must not be reconstructed or used except in conformity with the provisions of this Chapter.

(4) Should such non-conforming sign or sign structure be moved for any reason for any distance whatsoever, it must conform to the regulations for the zoning district in which it is located.

(5) No existing sign devoted to a use not permitted in the zoning district in which it is located will be enlarged, expanded, or moved except to change the sign to a sign permitted in the zoning district in which it is located.

(6) When a building loses its nonconforming status all signs devoted to the structure must be removed, and all signs painted directly on the structure must be repainted in a neutral color or a color which will harmonize with the structure.

11-1202.14 Enforcement.

(1) The Zoning Administrator or designated agent will be responsible for enforcement of this Chapter.

(2) Violation of any provision of this Chapter shall be a misdemeanor. Each day the violation continues in existence shall be deemed a separate violation. All signs are subject to penalty for violation even when not required to pay a fee or acquire permit.

(3) Inspections to determine compliance with the provision of this Chapter will be carried out periodically.

(4) The owner of any sign which is otherwise allowed by this Code may substitute non-commercial copy in lieu of any other commercial or non-commercial copy. This substitution of copy may be made without any additional approval or permitting. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over non-commercial speech, or favoring of any particular non-commercial message over any other non-commercial message. This provision prevails over any more specific provision to the contrary.

11-1202.15 Severability. If any section, subsection, sentence, clause, or phrase of this Chapter is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Chapter. The City Council hereby declares that it would have adopted the Chapter and each section, sub-section, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases may be deemed invalid.

12-1203 Fences

11-1203.1 Fences and Walls. For the purpose of this Section, “Fence” includes any non-vegetative freestanding structure, including a wall, designed or functioning to impede movement across or mark a boundary; “Wall” is a fence made of rock, brick, concrete, or similar materials.

(1) Construction and Maintenance.

- (a) Fences must be constructed in accordance with applicable building code provisions, and of materials suitable to the purpose for which constructed.
- (b) Fences must be maintained in accordance with applicable building code provisions. Any side of a fence facing a neighboring property or street must be finished. For this clause, a “finished” side means a side whose framing, supports, or posts are not visible.
- (c) Electric, barbed, razor, and wire fences are prohibited.
- (d) Maximum height without building permit: Six feet.
- (2) Location.
 - (a) A fence placed within a drainage or utility easement must not impede the flow of runoff or interfere with planned or installed utilities. The City or any utility company having authority to use such easement will not be liable for any damages, or to repair or replace such a fence, in the event it is moved, damaged, or destroyed in the maintenance of the easement or the installation, maintenance, or repair of utilities thereto.
 - (b) Walls are prohibited within drainage or utility easements.
 - (c) Fences are prohibited within site triangles as defined in **Section 11-1825**.
- (3) Setbacks.
 - (a) Property Boundary: Within the boundary lines.
 - (b) Public Rights of Way, Trail or Sidewalk Easements: Three feet.
- (4) Height Maximums.
 - (a) Front Yard Setback: Four feet, except as provided in subsection (4)(f).
 - (b) Street Side Yard, Single Family or Two-Family Residential Uses: Four feet; provided, if the front of the house faces the front yard, six feet between the rear lot line and the front of the house.
 - (c) Interior Side Yard: Six feet.
 - (d) Rear Yard: Six feet.
 - (e) Side and Rear Yards where a Residential District abuts a Commercial, Industrial, or Office District: Eight feet.
 - (f) Front or Street Side Yard, Commercial, Industrial or Office Districts: Four feet, except in an approved site plan.

11-1204 Screening

11-1204.1 Screening must satisfy the requirements of **Sections 11-1834 through 1837** and the requirements of the current version of the *Landscape Standards on File in the Office of the Community Development Director*.

11-1204.2 Residential Uses.

- (1) Where any multiple-family use with more than four parking spaces adjoins another residential use, the off-street parking for such use must be screened from adjoining properties. Parking for two-family homes is exempt from this requirement.
- (2) The light from automobile headlights and other sources must be screened whenever it may be directed onto residential windows to the extent that it will cause an unreasonable disturbance.

11-1204.3 All Districts.

(1) Exterior storage of goods or materials which unreasonably annoys or endangers the property values of surrounding property users must be screened.

(2) All parking areas containing more than four spaces which adjoin a public street must be screened.

11-1204.4 Trash and Recycling Storage Screening. Trash, recycling, and similar containers provided in conjunction with institutional, public, commercial, or industrial uses, or with residential uses where a common collection location is designated for three or more dwelling units must be screened by a masonry enclosure constructed on three sides with materials compatible with the exterior materials of the principal structure being served by the enclosure. For all residential uses where such screening is required, the fourth side must consist of a durable gate. For all other uses requiring such screening, a durable gate must be provided where the open side of the enclosure is visible from a public street or from an abutting residential zoning district. All gates must provide 100 percent opaqueness and must be constructed in conformance with standards on file in the office of the Community Development Director. Enclosures for trash, recycling, and similar containers must be of sufficient size to accommodate the containers and any mechanical means of servicing the containers. Screening enclosures must be located in the side or rear yard of the property in such a manner as to provide easy access thereto, and must conform to the setback requirements for accessory structures. Screening enclosures may be attached to principal or accessory structures with Fire Department approval. Screening enclosures must be maintained in a good condition.

11-1204.5 Mechanical Screening. Except for mobile homes, townhouses, and single- and two-family homes, all mechanical equipment on the ground or roof, such as heating and air conditioning, must be screened, located or painted so as not to be readily visible from public streets or adjoining property. Screening structures, if used, must be designed and constructed of a material that is compatible with the principal building.

11-1204.6 Screening Materials and Maintenance.

(1) Requirements. The screening requirements of Sections 11-1833 through 11-1837 must be satisfied by the use of one or more of the following:

(a) Screening Fence. A screening fence or wall at least six feet in height, or of sufficient height to completely block the view of items within the screening fence enclosure from surrounding properties, with a minimum opaqueness of 80 percent. The fence must be constructed of wood, masonry or other durable material and must be compatible with the principal building and surrounding properties. Screening fences must be painted or stained, whenever necessary, to prevent fading, chipping or discoloration. Damaged or destroyed fences must be repaired or restored.

(b) Planting Screen. A planting screen consisting of a row of evergreen trees planted 10 feet on center in two parallel rows. When planted, the evergreen trees must have a minimum height of six (6) feet. The planting screen must be maintained in a neat and healthy condition. Dead trees must be replaced.

(c) Berm. A berm no less than six feet in height with a side slope of no greater than one and one-half to two. The berm must be sodded. Slopes greater than one and one-half to one may be used if the slopes are stepped using retaining walls. Plant materials resistant to erosion may be substituted for sod with the approval of the Planning Commission. Dead sod or plant materials must be replaced.

(d) Parking Areas. Except in the River Rapids Overlay and Port Districts where Sections 11-2711(13)(b)(I) and (ii) apply, a continuous hedge or sodded berm not less than three feet in height.

(e) Others. Topography, existing vegetation, permanent buildings, or other barriers may be substituted for the above if, the Planning Commission finds, they provide equivalent screening.

(f) Maintenance. The owner or occupant of the premises must maintain screening in good condition. Screening fences must be promptly repaired, replaced or refinished as necessary. All diseased, damaged or dead sod and plant materials must be promptly replaced with the same materials or equivalent materials approved by the Community Development Director.

(2) The Planning Commission or, where required by this Title, the City Council, with a recommendation from the Planning Commission, must approve how the screening requirement is satisfied.

(3) Compliance. Existing uses must comply with the screening requirements of this Title within three months of notice by the Community Development Director and with the maintenance requirements within three weeks of notice. The Community Development Director must specify in what manner the screening requirement must be satisfied and specify the compliance dates to correspond with appropriate planting seasons.

(4) Bufferyard. A bufferyard must provide plant materials between adjacent residential and non-residential districts and abutting residential and non-residential uses in residential districts. A bufferyard must meet the requirements of the *Landscape Standards on File in the Community Development Director's Office* and the following requirements.

(a) Bufferyard width and type and number of plants required abutting an adjacent residential district must be in conformance with the following table.

Adjacent District or Use	Required Along Boundary Between Adjacent Residential and Non-Residential Districts and Between Adjacent Residential and Non-Residential Use in Residential Districts					
	Minimum Bufferyard Width in Feet (Bufferyard width may include width of required rear and side yard setbacks)					Bufferyard Landscape Units (1) Required for Each 100 Feet of Adjacent Residential
	Low Density Residential-1	Low Density Residential-2	Mobile Home	Moderate Density Residential	High Density Residential	
Moderate Density Residential	25	25	0	0	0	40
High Density Residential	30	30	30	20 (2)	20 (2)	80

Office	20	20	20	20	20	80
Neighborhood Commercial	30	30	30	30	30	120
General Commercial	30	30	30	30	30	120
Community Commercial	30	30	30	30	30	120
Industrial	50	50	50	50	50	160
Regional Shopping	30	30	30	30	30	120
Ports	30	30	30	0	0	80
Adjacent District	Low Density Residential-1	Low Density Residential-2	Mobile Home	Moderate Density Residential	High Density Residential	Bufferyard Landscape Units (1) Required for Each 100 Feet of Adjacent Residential
	Minimum Bufferyard Width in Feet (Bufferyard width may include width of required rear and side yard setbacks)					
	Required Along Boundary With Adjacent Residential and Non-Residential Districts and Between Adjacent Residential and Non-Residential Use in Residential Districts					
(1) Landscape Units: Over story tree = 10, Evergreen or Ornamental Tree = 8 and Shrub = 1. No single plant type may exceed one third of the number of required Landscape Units.						
(2) Applies only to day care facilities serving more than 17 persons.						

(b) There can be no buildings, patios, decks, stairways, walkways or mechanical equipment within a bufferyard.

(c) The width of required building rear and side yard setbacks may be used as part of the required width of the bufferyard.

(d) The owner or the occupant of the premises must maintain bufferyard in good condition. All diseased, damaged or dead plant materials must be promptly replaced with the same materials, or equivalent materials approved by the Community Development Director.

11-1205 Encroachments into Setbacks and Street Frontage.

11-1205.1 The following are not considered as encroachments on setback and height requirements:

(1) In any yard: patios, awnings, steps, or chimneys that are no closer than three feet to any lot line, underground garages that are no closer than five feet to a lot line, flag poles, light poles, and public utilities (subject to the requirements of [Section 11-604\(8\)](#)).

(2) Roof eaves, overhangs, balconies, and similar appurtenances must not encroach more than two feet into a setback area.

(3) In rear yards: recreational equipment, clotheslines, and detached outdoor living rooms that are not closer than five feet to a lot line.

(4) Height limitations for the following uses may be increased by 50 percent:

- (a) Antenna--radio and television.
- (b) Belfries.
- (c) Church spires and steeples.
- (d) Cooling towers.
- (e) Flag poles.
- (f) Elevator penthouse.
- (g) Smoke stacks.
- (h) Water towers.
- (i) Barns, silos, and windmills.

Heights in excess thereof may be permitted only by a conditional use permit after determining that such structure would not be dangerous and would not adversely affect adjacent property.

(5) Parapet walls will not exceed more than four feet above the limiting height of the building.

(6) Upon written approval of the Community Development Director, trash containers may be placed within a public right-of-way at a designated public transportation pick up location provided:

- (a) Only one such container is located at any pick up location; and
- (b) Approval is received from the State or County before placing the container within any State or County right-of- way; and
- (c) The container is of sufficient weight or will be securely anchored to avoid tipping, as determined by the City; and
- (d) The container is adequately designed to prevent trash from being blown out of the container or removed by rodents, birds or other wildlife; and
- (e) The container is so located as to provide the greatest accessibility with the least possible visual impact; and
- (f) Advertising on the container is limited to the business or the product of the container owner, and will not comprise more than 20 percent of the total exterior area of the container; and
- (g) The owner of the container enters into a written agreement with the City regarding maintenance and City Code compliance. Such agreement may be executed on behalf of the City by the Community Development Director or designee.[Revised 8/6/91, Ordinance 1383][Revised 3/18/08, Ordinance 1976]

11-1205.2 Street Frontage Required. A building is not permitted on a lot unless the lot abuts at least 20 feet on a public street, or has a permanent easement of access to a public street of at least 20 feet in width. A private easement cannot be used as the access for more than one principal building, except by permission of the City Council after a public hearing and recommendation by the Planning Commission. In any case, a private easement cannot be approved for more than one principal building unless there is a minimum of 20 feet of width for each principal building. In no case will more than 60 feet of width be required.

11-1206 Performance Standards

11-1206.1 Environmental Standards

(1) Nuisance Uses. No land, existing building, or proposed structure can be used or occupied in any manner creating dangerous, noxious, or otherwise objectionable conditions which could adversely affect the surrounding area.

(2) Radiation and Electrical Emissions. No activity can emit dangerous radioactivity beyond enclosed areas approved for such use. No equipment, other than domestic household appliances, can be utilized which creates electrical disturbances.

(3) Noise. Noise must be muffled or otherwise controlled so as not to become a nuisance. Noise levels are regulated by the standards of the Minnesota Pollution Control Agency.

(4) Odor. The emission of odorous matter is subject to the regulations established by the Minnesota Pollution Control Agency for Odor Control in Ambient Air.

(5) Vibrations. No vibration is permitted which is discernible without instruments on any adjoining property in a residential district. Within commercial and industrial districts, no vibration is be permitted which is discernible beyond the property line to the human sense of feeling for three minutes or more duration in any one hour.

(6) Smoke. The emission of visible smoke is subject to the Minnesota Pollution Control Agency's restrictions on the emission of visible air contaminants.

(7) Particulate Matter.

(a) Particulate matter includes fly ash, soot, and similar materials.

(b) Particulate matter emission from industrial processes, substances, products, or materials subject to becoming airborne must be in accordance with the Minnesota Pollution Control Agency's regulations.

(8) Toxic Matter. The ambient air quality standards of the Minnesota Pollution Control Agency are the guide to the release of airborne toxic materials within the City.

(9) Erosion. No erosion is permitted which will carry objectionable substances onto neighboring properties or into natural waterways. A property owner must not permit his property to be used or built on without applying all such reasonable measures as may be required to prevent wind or water erosion. The City Engineer may require reasonable measures of a property owner or developer to prevent wind or water erosion. The "Minnesota Storm Water Manual," published by the Minnesota Pollution Control Agency, is the guide for the planning, design, and layout of the conservation measures required.

If required, a Nationwide Pollutant Discharge Elimination System (NPDES) Construction Storm Water General Permit must be obtained from the Minnesota Pollution Control Agency prior to commencing construction activities. The associated Storm Water Pollution Prevention Plan (SWPPP) should be submitted to the City for approval. Proof of NPDES permit acquisition must be provided to the City prior to construction.

The City Engineer may review any development plan to ensure that erosion and sedimentation must be effectively controlled. The following conditions must be placed on new developments where applicable:

(a) The development plan must be designed to minimize erosion potential.

(b) Landscaping, streets, storm sewers, and other drainage and erosion controls must be installed as early in the construction schedule as is practical.

(c) The area and duration of exposure of disturbed soils must be kept to a practical minimum, as determined by City staff but in no event can exposure of disturbed soils exceed 14 days.

(d) Whenever feasible, natural vegetation must be retained, protected, and supplemented.

(e) Where there is inadequate vegetation to protect erosion-prone areas during or after development, temporary or permanent vegetation and/or mulching must be established.

(f) Cut and fill slopes must not be steeper than four to one unless stabilized by a retaining wall or cribbing or approved by the City Engineer.

(g) Cut and fill must not endanger adjoining property.

(h) Fill must be placed and compacted so as to minimize sliding or erosion of the soil.

(i) Fill must not encroach on floodways, natural watercourses, or constructed channels.

(j) Grading must not be done in such a way so as to divert water onto the property of another landowner without the written consent of that landowner.

(k) Provisions must be made to prevent surface water from damaging the cut face of excavations or the sloping surfaces of fills.

(l) The use of temporary and permanent erosion control Best Management Practices including, but not limited to, rock construction entrances, silt fence, turf stabilization mats, and storm drain protection may be required.

(m) If sediment and debris is deposited on paved areas, street sweeping must be performed by and at the cost of the responsible party(ies) as determined by the City Engineer. Cleaning shall be performed in a manner acceptable to the City Engineer. If this work is not performed by responsible party(ies), the City may perform street sweeping and bill the appropriate party(ies) for this work.

(n) The use of debris basins, sediment basins, silt traps, or similar measures may be required to trap sediment in runoff water until a disturbed area is stabilized.

(o) The use of ponds for temporary storm water storage is encouraged to reduce peak rainfall runoff and peak stream flows.

(10) Water Pollution. The discharge of raw sewage, industrial wastes, or other pollutants into waterways, lakes, or Municipal Separate Storm Sewer System (MS4) of the City is subject to the regulations of the Minnesota Pollution Control Agency.

(11) Solid Waste. Sanitary landfills or other areas used for the accumulation of solid waste, including garbage, refuse, sludge, slag, fly ash, demolition debris, and other discarded solid materials, is be subject to the solid waste disposal regulations of the Minnesota Pollution Control Agency and Anoka County. In addition, use of all such areas must be approved by the City Council after receiving a recommendation from the Planning Commission. Reasonable measures may be required to ensure that the disposal site will not endanger the public health, safety, or welfare; create a public nuisance; result in scenic blight; adversely affect property values; reduce the usability of the site; or be incompatible with present and future surrounding land uses, including the posting of a bond in an amount determined by the Council to ensure satisfactory compliance.

(12) Glare. Lighting cannot be directed into a residential district from another property or obscure drivers' vision on public streets. No lighting fixture can create more than three footcandles of light intensity at the property line.

(13) Maintenance of Waterway Slopes. The owner or occupant of property on which is located a ditch, creek or man-made and/or natural waterway, that is part of the public drainage system and which was constructed or reconstructed on or after September 1, 1985, is responsible

for the maintenance of all slopes of such ditch, creek or man-made and/or natural waterway located on their property. The owner or occupant will, at a minimum, maintain the lawn on such slopes and keep the slopes free of debris. This provision will not apply if the City has waived the requirements of **Section 11-2252(3)(b)**.

11-1206.2 Miscellaneous Performance Standards

(1) Semitrailer and Container Storage. The City Council finds that the use of semi-trailers and ground level storage containers for the storage of goods and materials is unsightly, causes public safety concerns, circumvents the intent of the City Code regarding exterior storage, and is detrimental to surrounding property values. The reasonable control of the use of such semitrailer and containers is therefore necessary to protect the public health, safety, and general welfare.

(a) Except as provided below, it is illegal to park, store, or maintain, or permit to be parked, stored, or maintained on any property a semitrailer, a ground level storage container, or similar container.

(b) This section does not apply to:

- i. semitrailers parked at or cued for an approved loading dock or, in the absence of a loading dock, which are being actively loaded or unloaded in Neighborhood, Community, Regional and General Commercial and Industrial Zoning Districts and at institutional uses in residential zoning districts;
- ii. semitrailers located in parking spaces which have received Site Plan Review approval specifically for such use in the Industrial Zoning District;
- iii. semitrailers parked, stored or maintained in an approved, screened open storage area in the Industrial Zoning District; and
- iv. semitrailers and ground level storage containers being used as part of an active development, redevelopment, construction, reconstruction, or remodeling project, provided that the container or trailer is removed within five business days after completion of the project or within five business days after the project has been inactive for a period of 30 consecutive calendar days.

(c) For the purposes of this Section, the term “cued for” means waiting to be immediately moved into a loading dock as soon as a dock is available.

(2) Vehicle Sales in Non-residential Areas. No person, firm, business, or other entity of any kind may display a vehicle for sale on any commercial, industrial, office, or institutional property except as provided in this Section.

(a) A state licensed motor vehicle dealer may display vehicles for sale in accordance with the terms of that license and all state and local laws and ordinances.

(b) If no state license is required, one vehicle may be displayed for sale provided such sale is in conjunction with a business or institutional activity.

(c) A vehicle displayed for sale must be displayed on property where the business, firm, or entity offering the vehicle for sale is located.

(d) A vehicle displayed for sale must be located on an improved surface and within a designated parking space. Such vehicle may not interfere with the normal circulation pattern of the property.

(e) For the purposes of this Section, the term “vehicle” will have the meaning provided in **Section 11-1862(2)** as that Section may be amended from time to time.

~~(f) A Community Service Officer or Code Enforcement Technician may issue a citation for a violation of this Section.~~

(3) Visibility at Intersections.

(a) A minimum sight triangle must be established on each corner lot at every street intersection through which motorists have reasonable unobstructed view.

(b) The minimum sight triangle is defined as a triangle located at the corner of intersecting streets. The adjacent sides are located along the curb line, or gutter line of streets without curb and gutter, of the intersecting streets and must be 50 feet in length. The third side is a straight line joining the end points of the adjacent sides.

(c) The City has the authority to order removal of vision obstructions located within the minimum sight triangle.

(d) A vision obstruction is defined as any object, living or inanimate, which materially obstructs visibility within this minimum sight triangle between the heights of two and one-half and 10 feet above the center line grade of the intersecting streets.

(e) Obstructions must be removed within a reasonable period of time as determined by the City Engineer which time will not exceed 90 days after written notice is given by the City Engineer to the property owner of record.

(f) Visual obstructions which are not removed may be justification for installation of a traffic control device.

(g) An appeal from the Engineer's order to remove a vision obstruction may be made by the aggrieved party to the Safety Commission. The appeal must be filed in writing with the City Manager within 10 days after receipt of the order to remove the obstruction. The City Manager must refer the appeal to the Chairperson of the Safety Commission within seven days after receipt of the appeal. The appeal must be placed on the agenda of the next regularly scheduled Commission meeting, unless a special meeting of the Commission is called by the Chairperson. Notification of the time and place of the meeting must be given to the property owner. Within 30 days after the hearing the Safety Commission must make its recommendation in writing to the City Council. Such recommendation must take into account whether a vision obstruction exists in a sight triangle, the implications for traffic and pedestrian safety because of the alleged hazard, to what extent the hazard remains even after the vision obstruction is removed, the availability of less burdensome means to reduce or eliminate the hazard and the means by which the vision obstruction can be eliminated. At its next available regular meeting following its receipt of the Safety Commission's written recommendation, the City Council must affirm, repeal, or modify the order of the Engineer.

(4) Sidewalks. A sidewalk must be provided with any new development along any street designated on the City Sidewalk Plan, on any arterial or collector street, or where required by the City Council as part of a permit, rezoning, or subdivision plat. With regard to collector or arterial streets which are adjacent to or extend through the interior of industrial parks, the Council, upon petition of the owner or developer, may postpone the construction of such sidewalks until such time as the Council may determine the need for sidewalks on one or both sides. Such determination must be based upon, but not limited to, consideration of the following factors: the presence of labor-intensive industry; access to public transportation; anticipated frequent use by pedestrians.

(5) Lighting Districts. In order to promote the identity and aesthetic quality of neighborhoods and the welfare, convenience and living environment of residents, the City Council may by resolution establish lighting districts in the City to provide for a uniform street light style within the district. The resolution must establish the boundaries of the district and may set out the style of street lights to be installed therein and such other requirements as the Council shall deem appropriate.

~~11-1853 Prevailing Front Setbacks. Where adjoining principal structures existing at the time of adoption of this Ordinance have a lesser setback from that required, the minimum front setback of a new structure shall not be less than the average front yards of the principal buildings on each side lot for 240 feet in either direction. In no case shall the front yard setback be less than 20 feet or be required to set back more than 60 feet.~~

~~11-1854 Outdoor Storage. In the Office, Neighborhood Commercial, Community Commercial, General Commercial, and Regional Shopping Districts, outdoor storage is prohibited with the following exceptions:~~

~~—— (1) Materials and equipment directly related to site maintenance and safety provided they are stored and completely screened in an enclosure constructed of materials similar to and compatible with the principal structure subject to an approved site plan and subject to the following:~~

- ~~—— i. restricted to the rear or side yards only;~~
- ~~—— ii. 10 foot minimum setback from property lines; and~~
- ~~—— iii. cannot impact emergency access, traffic flow, parking or sidewalk access;~~

~~—— (2) Items available for active sales covering no more than 20 square feet.~~

~~—— (3) Shopping cart corrals shown on an approved site plan and used for the temporary storage of carts.~~

~~[Revised 9/16/08, Ordinance 1989]~~

~~11-1856 Restrictions on Accessory Structures.~~

~~—— (1) An accessory structure shall not:~~

~~—— (a) Be constructed on any lot prior to the time of construction of the principal building.~~

~~—— (b) Exceed the height of the principal building, except when on a farm and related to a farming operation.~~

~~—— (c) Be located within the required front setback area or within five feet of a lot line.~~

~~—— (d) Be located nearer to the front lot line than the principal building. This provision shall not apply to attached garages or to those lots which have the shoreline of the Mississippi River or Crooked Lake as the rear lot line.~~

~~—— (2) Except as provided in Section 11-605(5)(e) or Section 11-705(5)(e), an accessory structure so located such that any one of its walls is within six feet of a wall of any other structure shall be attached to and made structurally part of the other structure. [Revised 12/2/97, Ordinance 1624][Revised 9/2/03, Ordinance 1815]~~

~~—— (3) An accessory structure 120 square feet in floor area or larger shall have a permanent concrete slab under the entire structure. [Revised 12/2/97, Ordinance 1624]~~

11-1207 Satellite Dish Antennas

11-1207.1 Permits and Exceptions. Unless preempted by federal law, no satellite dish antenna will be erected unless a building permit is first obtained from the Building Department and it complies with the regulations of this section. Under current federal law no permit is necessary for satellite dish antennas measuring less than one meter, 39.37 inches, in diameter

when placed as an accessory use to any single-family residence, duplex, townhouse unit or multi-family unit, or less than two meters, 78.74 inches, in diameter when placed as an accessory use to any permitted business, industrial or office use.

11-1207.2 Installation.

(1) In all zoning districts, except for commercial, office and industrial satellite dish antennas larger than one meter must be placed in the rear yard. In commercial, office and industrial districts satellite dish antennas larger than two meters must be placed in the rear yard. The Community Development Director may permit building mounted satellite dish antennas as alternatives to ground mounted antennas if it can be demonstrated that a ground mounted location would result in obstruction of antenna reception window.

(2) Building mounted satellite dishes cannot exceed one meter, 39.37 inches, in diameter in a residential district. In commercial, office and industrial districts, any antenna which exceeds two meters (78.74 inches) in diameter shall be of open mesh (screen) design, must be painted to blend with the background and must not exceed the height of the roof by more than 12 feet and be setback an equal distance from the nearest roof edge.

(3) Satellite dish antennas must comply with the applicable accessory structure setbacks of the district in which it is located.

11-1207.3 Commercial Use Antennas and Antenna Towers. Notwithstanding any provisions of this Code to the contrary, all commercial use antennas and antenna towers shall comply with the zoning and regulatory requirements of **Section 11-1400**.

~~11-1859 Satellite Dish Antennas. Dish antennas for the reception of electrical communications from earth satellites may be installed as accessory uses in all zoning districts subject to the requirements for accessory uses in the applicable zoning district and the following standards:~~

~~(1) The maximum diameter for satellite dish antennas in the General Commercial, Office, Highway Commercial, and Industrial zoning districts shall be 12 meters. On all other zoning districts the maximum diameter for satellite dish antennas shall be 12 feet.~~

~~(2) In all zoning districts satellite dish antennas larger than 24 inches one meter in diameter shall be ground mounted in rear yards. The Community Development Director may permit roof mounted satellite dish antennas as alternatives to ground mounted antennas if it can be demonstrated that a ground mounted location would result in obstruction of antenna reception window. All roof mounted installations of satellite antennas larger than 24 inches in diameter shall be in conformance with the requirements of the building code and require a building permit.[Revised 8/1/95, Ordinance 1535]~~

~~(3) No signage shall be displayed on any satellite dish antenna.~~

~~(4) Satellite dish antenna installations existing on January 15, 1987 shall be allowed to continue, but shall not be moved, replaced or repaired if damaged by more than 50 percent of its fair market value without being brought into compliance with this section.[Revised 8/1/95, Ordinance 1535]~~

~~11-1862 Home Based Retail Sales.~~

- ~~— (1) A maximum of six separate and distinct Home Based Retail Sale events may be conducted in conjunction with a residential unit in any calendar year. Each sale event shall be considered a separate event whether it is the same or a different type of sale event from previous sale events at the same location. Each sale event shall be limited to a maximum of four consecutive calendar days and days not used for any one sale event may not be accumulated to lengthen the time of any future sale event. The first and fourth sale events of a calendar year shall be separated by a minimum of 90 days from the previous sale event from the same location and the second, third, fifth, and sixth sale events of a calendar year shall be separated by a minimum of one day from the previous sale event from the same location. A sale event during any part of a day shall constitute a sale event on that day. For purposes of this subsection, the terms “day” and “calendar day” shall mean a consecutive 24 hour period commencing at midnight and concluding at the next following midnight.[Revised 8/4/98, Ordinance 1640]~~
- ~~— (2) One vehicle may be displayed for sale provided the vehicle is registered to a resident of the property where it is being displayed and is located on an improved driveway. For the purposes of this Section, the term “vehicle” includes any motorized or non-motorized vehicle that is subject to state registration. A Community Service Officer or Code Enforcement Technician may issue a citation for a violation of this Section.[Revised 8/4/98, Ordinance 1640] [Revised 6/15/99, Ordinance 1665][Revised 3/16/04, Ordinance 1830]~~
- ~~— (3) No sale event shall include the use of a motor vehicle, trailer, or ground level storage container or similar container.[Revised 8/4/98, Ordinance 1640]~~

11-1208 Adult Oriented Business.

- (1) No adult oriented business, as defined by Revised City Code-1982, Section 5-2202(1), can be operated or maintained
- (a) except as specifically authorized by this Title 11.
 - (b) except in accordance with Revised City Code-1982, Chapter 5-2200.
 - (c) within 1,000 feet of: a public park; church; public or private educational facility serving persons under the age of 18 years; private or public junior high, middle, or elementary school; public or private high school; or day care facility.
- (2) The distances in this section must be measured on a straight line from the nearest lot line of the adult oriented business to the nearest lot line of any use listed in **11-1863(1)**.
- (3) No adult-oriented business can display or allow to be displayed on or from its premises actual or representations of specified anatomical areas, as defined by Revised City Code-1982 Section 5-2202(20), or specified sexual activities, as defined by Revised City Code-1982 Section 5-2202(21), so as to be viewable by either the general public, or a person under the age of 18 years.

11-1400 Commercial Use Antennas and Antenna Towers

11-1401 Purpose. In order to accommodate the orderly growth of wireless communications systems and the communication needs of residents and businesses while protecting the public health, safety and general welfare of the City and its citizens, the City Council finds that the regulation of commercial use telecommunications antennas and antenna towers is necessary in order to provide fair and equal opportunities for Federal Communications Commission licensed providers of commercial wireless telecommunication services (Providers), facilitate the provision of wireless telecommunication services, minimize adverse visual effects of towers through careful design and siting standards, avoid potential damage to adjacent properties from tower failure through structural standards and setback requirements, and reduce the number of towers needed to serve the community by maximizing the use of existing and approved structures to accommodate new wireless communications antennas.

~~11-1402 Definitions. For the purposes of this Chapter the following definitions shall apply:~~

~~(1) Commercial Use Antenna. A device used to transmit and/or receive radio or electromagnetic waves directly or indirectly related to commercial wireless telecommunication services and cellular services.~~

~~(2) Commercial Use Antenna Tower. Any pole, spire, lattice, or similar structure or combination thereof, greater than 20 feet in height, whether free standing or mounted on a roof or other structure, to which a commercial use antenna is attached or which is designed for an antenna to be attached, and all supporting materials.~~

~~(3) Commercial Wireless Telecommunications Service. Licensed wireless telecommunication services including cellular, personal communications services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging, and similar services that are marketed to the general public.~~

~~(4) Provider. Any person, firm, partnership, corporation, or other legal entity licensed by the Federal Communications Commission to provide commercial wireless telecommunication services.~~

~~(5) Director. The Community Development Director for the City of Coon Rapids or such other City employee as designated from time to time by the City Manager.~~

~~(6) Licensed Engineer. An engineer licensed by the Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, and Interior Design.~~

~~(7) Qualified Engineer. An individual trained and qualified as a radio frequency engineer.~~

~~(8) Residential Area. An area of the City zoned for residential uses (LDR-1, LDR-2, MDR, HDR, MH) or guided for residential uses under the City's Comprehensive Development Plan, whether or not currently developed, or an area developed for residential uses under a Planned Unit Development, and areas of the City located within 500 feet of such residential uses as measured by a straight, perpendicular line.~~

11-1402 Permits

11-1402.1 Permit Required. It is unlawful to construct, operate, or maintain a commercial use antenna or commercial use antenna tower in any residential area of the City except as provided in this Chapter and after obtaining a permit ~~therefore~~ from the City Council. It is unlawful to construct, operate, or maintain a commercial use antenna or commercial use antenna tower in any other area of the City except as provided in this Chapter and after obtaining a permit

~~therefore~~ from the Director. The Council or Director may engage the assistance of knowledgeable persons, whether or not employees of the City, and all reasonable costs thereof will be borne by the applicant.

11-1402.2 Permit Fees. In addition to any building permit fees, permit fees are required for each antenna or antenna tower located in the City. The permit fees will be established from time to time by resolution of the City Council and are not refundable. The fee must reflect the costs reasonably incurred by the City in the administration and enforcement of the permit. All permit fees must accompany an application. The fees will be doubled for any applicant who begins construction at a site before a permit is secured for that site.

11-1402.3 Permit Application. Application for a permit must be made to the Director in writing on such forms as the Director may from time to time designate and must contain the following:

- (1) Name, address, and telephone number of the applicant.
- (2) If the applicant is not a person, the name, address, and telephone number of the applicant's authorized agent.
- (3) ~~The date of birth of the applicant or, if the applicant is not a natural person, the applicant's agent.~~
- (4) Brief description of the services proposed to be provided.
- (5) Whether the applicant is currently licensed by the Federal Communications Commission to provide those services.
- (6) The address and legal description of the property where the antenna and/or tower is to be located.
- (7) Height of any proposed tower or antenna if the antenna is to be located on a structure other than a tower.
- (8) Design drawings of any proposed tower or antenna.
- (9) Design drawings showing method of attachment of antenna to the tower or other structure.
- (10) Scale drawing showing the following:
 - (a) Boundaries of the property on which a tower is to be located.
 - (b) The leased area of the property if less than the entire parcel.
 - (c) Location and dimensions of any towers and accessory structures or equipment to be constructed or installed.
 - (d) Distances of tower from property lines.
 - (e) Distances of tower to any adjacent structures including, but not limited to, other towers located on or within 100 feet of the leased area.
 - (f) Location and description of landscape screening of accessory structures.
 - (g) Location, size, and description of any fences to be installed.
 - (h) Location of any public and private easements within the leased area.
- (11) Number of additional antennas that may be co-located on the tower.
- (12) Written and signed recognition by the property owner or the owner's authorized agent, if other than the applicant, that failure to remove the tower and associated facilities within the time provided in this Chapter following cessation of use, or upon revocation of the permit, may result in removal of such materials by the City and the assessment of all costs against the property.
- (13) Such other information as the Director may reasonably require to adequately review the application for compliance with the provisions of this Chapter.

(14) The application must be signed by the applicant or the applicant's authorized agent and by the property owner or the owner's authorized agent, if different from the applicant.

(15) The applicant must provide the City with the name, address and telephone number of a responsible contact person for the provider. The City must be advised in writing within 15 days of any and all changes to such information.

(16) A written and signed statement by an individual trained and qualified as a radio frequency engineer (Qualified Engineer) that the proposed service meets or exceeds all requirements of the Federal Communications Commission.

11-1402.4 Issuance of Permit and Appeal.

(1) New Antenna Towers in Residential Areas Applications for ~~antennas or towers~~ to be located in residential areas must be referred to the Planning Commission for consideration and recommendation. The Planning Commission must conduct a public hearing in accordance with Sections 11-3.1.204 and 205 and make a recommendation to the City Council which must approve, deny or approve with conditions. The City Council at its next regular meeting which is not more than 30 days from the date the application is received by the Director. The Director must cause notice of the application to be published in the official newspaper of the City at least 10 days, but not more than twenty days prior to the day of the hearing before the Council. The Director must also cause notice of the hearing to be mailed at least 10 days, but not more than twenty days, before the hearing date to the owners of all properties situated wholly or partly within 850 feet of the antenna or tower location. The notices must include the location of the proposed antenna or tower and must state the time, date, place, and purpose of the hearing. The Council decision must be based on compliance of the application with the provisions of this Chapter. The Council may impose reasonable conditions to the permit designed to insure compliance with this Chapter. The decision of the Council must be made in accordance with Section 11.3.1.202 Time Deadlines for Action. Or (FED REGS) within 150 days of receipt of a complete application. at the meeting to which the application is referred or at the next succeeding regular Council meeting unless otherwise agreed to by the applicant. Failure of the Council to act on an application within the time frame provided herein will be deemed to be approval of the permit without conditions. The decision of the Council must be submitted to the applicant in writing which will clearly state any conditions imposed and the reasons therefor, or in the case of denial the reasons for the denial.

(2) New Antenna Towers in all Other Areas Within ~~45~~ 150 calendar days after receipt of a complete permit application for a tower in any location other than a residential area, the Director must issue or deny the permit. The decision of the Director must be based on compliance of the application with the provisions of this Chapter. The Director may impose reasonable conditions to the issuance of a permit designed to ensure compliance with this Chapter. The decision of the Director must be submitted to the applicant in writing which must clearly state any conditions and the reasons therefore, or, in the case of a denial, the reasons for the denial. The Notice of Issuance or Denial must also contain the appeal rights of the applicant. ~~Upon written notice to the applicant, the Director may extend the issuance date one time for up to 15 additional calendar days.~~ Failure of the Director to act on an application on or before the issuance date or any extension thereof, will deemed to be approval of the permit without conditions.

(3) Colocation. The placement of wireless telecommunication antennas on roofs, walls, and existing towers may be approved administratively by the Director, provided the antennas

meet all applicable requirements of this Chapter and the standards enumerated below. Within 90 days of receipt of a complete application, the Director must issue or deny the permit.

1. The maximum height of an antenna cannot exceed 20 feet above the roofline and be setback at least 10 feet from the roof edge.

2. Wall or façade mounted antennas may not extend more than five feet above the cornice line and must be constructed of a color that matches the exterior of the building or structure

(4) An applicant aggrieved by any decision of the Director may appeal that decision in accordance with Section 11-3.1.206. ~~to the City Council by filing a written request stating the reasons for the appeal with the Director within 10 days following receipt of the Director's decision. For purposes of this paragraph, any mailed notice will be deemed to have been received three business days following deposit in the U.S. Mail unless evidence clearly demonstrates a different date.~~

~~— (5) The Director must refer the appeal to the City Council for hearing at its next regular meeting which will be not less than 10 nor more than 30 calendar days after receipt of the appeal request. The Director must notify the applicant of the date, time, and place of the hearing. The applicant may appear before the Council in person or with counsel and present evidence in support of the appeal. The Council may continue the public hearing one time to the next succeeding regular City Council meeting. Additional continuation will be allowed only with the permission of the applicant.~~

~~(6) The City Council's review and decision shall be limited to the issues stated in the applicant's request for appeal. The Council shall affirm, modify, or reject the decision of the Director. The Council's decision shall be made not later than at the next succeeding regular City Council meeting following the meeting at which the public hearing is closed. Failure of the Council to render a final decision within the allotted time shall be deemed to be concurrence with the applicant's appealed issues.~~

11-1402.5 Revocation of Permit.

(1) In addition to or in lieu of any other penalties provided for herein, the City Council may revoke the permit of any Provider who violates the provisions of this Chapter.

(2) No permit may be revoked until after a public hearing at which the Provider may appear with or without counsel and present evidence to support the Provider's position. The public hearing must be held in accordance with Sections 11-3.1.204.

(3) The Director must cause written notice setting out the City's intent to revoke the permit and the reasons therefor to be sent to the Provider. Such notice must also state the date, time, and place of the hearing.

~~(4) The hearing shall be held not less than 10 nor more than 30 days following receipt of the notice by the Provider. Receipt of the notice will be deemed to occur three business days following deposit of the notice in the U.S. Mail.~~

(5) Any Provider whose permit has been revoked must remove all towers, antennas, and related accessory structures and equipment subject to the revoked permit in the same manner and time frame as for abandoned towers and antennas under Section 11-1405.

11-1403 Zoning Districts.

(1) Antennas and/or towers may be located in any zoning district in the City provided that before a tower may be located in any residential area the applicant must demonstrate to the

satisfaction of the City Council, that no reasonable alternative location exists in another zoning district. The decision of the Council must take into consideration the following:

- (a) Spacing and locational needs to achieve adequate service coverage.
 - (b) Possibility of placement of antenna on a pre-existing structure.
 - (c) Design and height of any proposed tower.
 - (d) Topography and other potential service impediments within the necessary locational radius.
 - (e) Proximity tower to existing residences or future residential properties.
 - (f) Efforts made to make the tower compatible with the surrounding neighborhood.
 - (g) Availability of other potential sites within a reasonable locational radius.
- (2) For the purposes of this Chapter, a tower or antenna proposed to be located within a Planned Unit Development must be considered in light of the approved use of the property rather than its underlying zoning.
- (3) No tower may be located within the boundaries of the Mississippi River Corridor Critical Area Overlay District unless the applicant demonstrates to the satisfaction of the City that the tower will not be visible from the river or from any public park located within the District.

11-1404 Performance Standards.

11-1404.1 Co-Locations.

(1) No new commercial use antenna tower may be erected unless the permit issuer finds that the telecommunications equipment proposed to be located on the tower cannot be accommodated on an existing or approved tower or other structure within a one quarter mile search radius, or within the actual search area if larger than a one quarter mile radius, due to one or more of the following:

(a) The planned equipment would exceed the structural capacity of any existing or approved tower or other structure, as documented by a Licensed Engineer, and the existing or approved tower or other structure cannot be reinforced, modified, or replaced to accommodate the planned or equivalent equipment at a reasonable cost.

(b) The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the tower or other structure as documented by a Qualified Engineer and the interference cannot be prevented at a reasonable cost.

(c) Existing or approved towers and other structures within the search radius cannot or will not accommodate the planned equipment at a height necessary to function reasonably as documented by a Qualified Engineer.

(d) Other unforeseen reasons that make it not feasible to locate planned equipment on an existing or approved tower or other structure.

(2) Any proposed Commercial Use Antenna Tower must be designed structurally, electrically, and in all respects to accommodate both the applicant's antennas and related equipment and comparable antennas and equipment of at least one additional user if the tower is over 75 feet in height. Towers must be designed to allow for future rearrangement of antennas on the towers and to accept antennas mounted at varying heights.

11-1404.2 Design Requirements. Proposed or modified towers and antennas must meet the following design requirements:

(1) Towers and antennas must be designed to blend into and be compatible with the surrounding environment through the use of color and suitable visual treatment, except in instances where the color is dictated by Federal or State authorities including, but not limited to, the Federal Aviation Administration.

(2) Tower locations must provide a reasonable amount of screening possible for all sight views of the facility and existing on-site vegetation must be preserved to the extent reasonably possible as determined by the permit issuer.

(3) Commercial Use Antenna Towers must be of a monopole design unless the permit issuer determines that an alternative design would better blend into the surrounding development or is necessary to accommodate structural requirements as documented by a Licensed Engineer.

(4) Commercial Use Antennas or Towers proposed to be mounted on roofs, walls, or existing towers must be shown to meet all structural requirements by a report of a Licensed Engineer indicating the existing structure's suitability to accept the tower, antenna, and related equipment, and indicating the proposed, detailed method of fixing the tower, antenna, or equipment to the structure.

(5) All utility buildings and structures accessory to a tower must be architecturally designed to blend in and be compatible with the surrounding environment. Ground mounted equipment and structures must be screened from view by suitable vegetation approved by the permit issuer, except where the permit issuer finds a design of non-vegetation screening better reflects and compliments the architectural character of the surrounding neighborhood.

(6) Access drives required for the maintenance of equipment must be paved in accordance with City specifications unless the permit issuer finds that some other surface is acceptable due to length, location, and frequency of use.

(7) A tower must be constructed in a manner that conforms to all State and local building code requirements.

11-1404.3 Height.

(1) The maximum height of a free standing tower is 90 feet in a residential area, ~~150 feet within 500 feet of a residential area as defined by this Chapter~~, and 150 feet in other areas of the City, as measured from the ground surface.

(2) The total height of a tower or antenna located on a roof or other structure cannot exceed either the maximum height of a free standing tower in the same area of the City as measured from the ground surface, or 20 feet above the surface of the roof or structure, whichever is greater.

(3) The permit issuer may authorize towers which exceed the limitations provided in paragraph (a) above if the permit issuer finds that the proposed height is the minimum that is reasonably necessary to achieve adequate service coverage due to topographical or other features as documented by a Qualified Engineer.

(4) The height of a tower, whether freestanding or located on another structure, must include any equipment located on top of a tower including, but not limited to, a lightning rod.

11-1404.4 Setbacks.

(1) The setback of a free standing tower from any buildable area on property not owned or under the control of the Provider must be the total height of the tower as

measured from the ground surface plus 10 feet. For purposes of this Section the “buildable area” of a property does not includes required building setbacks from property lines and streets, Class 3, 4, or 5 wetlands, and easements that preclude construction of a building within them.

(2) The permit issuer may reduce the setback upon documentation from a Licensed Engineer that the tower is so designed that any debris in the event of a collapse or failure will be confined to the area of property under the control of the Provider or in any case will not seriously endanger adjacent property.

(3) Ground located structures and/or equipment used by Providers must be located as close as possible to the base of the tower or other structure on which the antenna is located unless another location is approved by the permit issuer.

11-1404.5 Lighting. Towers cannot be illuminated by artificial means and must not display strobe lights unless such lighting is specifically required by the Federal Aviation Administration or other Federal or State authority for a particular tower. When incorporated into the approved design of the tower, light fixtures used to illuminate ball fields, parking lots, or similar areas may be attached to the tower.

11-1404.6 Signs and Advertising. No portion of any tower, or the property under the control of the Provider, may be used for signs or advertising other than warning, emergency, or equipment information signs. The name and emergency contact telephone number for each Provider must be conspicuously displayed at each antenna location using a sign not less than three inches by five inches nor larger than five inches by seven inches in size for each.

11-1404.7 Maintenance.

(1) Towers and all accessory structures and equipment, including any fencing, must be kept in good repair and must be repainted as reasonably necessary. Graffiti must be removed upon notification by the Director in accordance with a reasonable schedule determined by the Director.

(2) Vegetation used for screening must be properly maintained and any screening planting that dies or is severely damaged as determined by the Director must be replaced in accordance with a schedule provided or approved by the Director.

(3) All property under the control of a Provider must be maintained with ground cover approved by the Director and must be regularly mowed and kept as weed free as reasonably possible.

(4) Property under the control of a Provider must not be used for the storage of equipment or other items not reasonably necessary for the operation of the Provider’s services.

11-1404.8 Interference with Public Safety Telecommunications. No new or existing commercial wireless telecommunications service may interfere with public safety telecommunications.

11-1405 Abandoned, Obsolete, and Unused Towers and Antennas. A Provider must provide written notice to the City of the discontinuation of the use of all or any significant part of any tower. Abandoned and unused towers shall be removed as follows:

(1) All abandoned or unused towers and facilities must be removed from the site within 12 months of cessation of operations unless a time extension is approved by the permit issuer. In

the event that a tower is not removed within 12 months of the cessation of operations, the tower and related facilities may be removed by the City and the costs of removal assessed against the property in the same manner as a special assessment.

(2) Any unused portions of a tower above a manufactured connection must be removed within 12 months of cessation of use and may not be replaced without the issuance of a new permit.

(3) Any equipment and other materials removed by the City pursuant to this Section may be disposed of by the City in the manner of abandoned properties. Any costs of such disposal incurred by the City will be assessed against the property in the same manner as a special assessment.

11-1406 ~~Effect on Existing~~ Non Conforming Towers and Antennas. Commercial use antennas and towers in existence prior to the effective date of this ordinance which do not conform to or comply with this Chapter are subject to the ~~following~~ provisions found in Chapter 11-1300 Non Conforming Lots, Structures and Uses. Colocation of additional antennas without increasing the height of the existing tower is not considered an expansion of the tower.

~~(1) Towers and/or antennas may continue in use for the purpose currently used and as currently existing, but may not be replaced or structurally altered without complying in all respects with this Chapter.~~

~~(2) In the event such towers or antennas are hereafter damaged or destroyed due to any reason or cause whatsoever, the tower and/or antenna may be repaired and restored to its former use, location, and physical dimensions upon obtaining a building permit therefore, but without otherwise complying with this Section, provided, however, that if the estimated cost of repairing the tower or antenna to its former use, physical dimensions, and location would be 50 percent or more of the cost of a new tower or antenna of like kind and quality, the tower or antenna may not be repaired or restored except in full compliance with this Chapter.~~

~~14-1407 Violations. A violation of the provisions of this Chapter is a misdemeanor and punishable by law accordingly.~~

~~11-1408 Titles. Titles to the sections of this Chapter are for convenience only and are not to be considered a part of the provision to which they refer. They may not be used to define or otherwise interpret any particular section of this Chapter.~~

~~11-1409 Severability. If any section or any portion of any section of this Chapter is deemed invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality will not affect the validity of other sections of this Chapter.~~